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PUBLIC ACTS  
AND  
JOINT AND CONCURRENT RESOLUTIONS  
OF  
THE LEGISLATURE  
OF THE  
STATE OF MICHIGAN,  
PASSED AT THE  
REGULAR SESSION OF 1885,  
WITH AN APPENDIX.

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BY AUTHORITY.

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W. S. GEORGE & CO., STATE PRINTERS AND BINDERS,  
1885.



# LIST OF PUBLIC ACTS

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# PUBLIC ACTS, 1885.

[No. 1.]

AN ACT to amend section one of act number seventy-seven of the session laws of eighteen hundred and sixty-nine, entitled "An act in relation to life insurance companies transacting business within this State," approved March thirtieth, eighteen hundred and sixty-nine, being compiler's section two thousand nine hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one, and section one of chapter one hundred and thirty-one of Howell's Annotated Statutes of Michigan, [and to add to said act one new section, to stand as section thirty.]

SECTION 1. *The People of the State of Michigan enact*, That section one of act number seventy-seven of the session laws of eighteen hundred and sixty-nine, entitled "An act in relation to life insurance companies transacting business within this State," approved March thirtieth, eighteen hundred and sixty-nine, being compiler's section two thousand nine hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one, and section one of chapter one hundred and thirty-one of Howell's Annotated Statutes of Michigan, be and the same is hereby amended to read as follows: Section amended.

SECTION 1. That any number of persons, not less than thirteen, may associate together and form an incorporated company for the purpose of making insurance upon the lives of individuals, and every insurance pertaining thereto (and against accidental injuries), and to grant, purchase, and dispose of annuities. Every company organized under this act shall have authority to re-insure any risk herein authorized to be undertaken by them, and to grant re-insurance upon any similar risk undertaken by any other company, but shall not have power to undertake marine and fire risks, or any other species of insurance whatever, except upon lives, or to be in any way connected in their business with any company undertaking other risks than upon the lives of individuals. Not less than 13 persons may form company.  
May re-insure.  
Insurance other than life prohibited.

SEC. 2. There shall be added one new section to said act to stand as section thirty (30) as follows: Section added.

SEC. 30. The provisions of this act shall apply to any company heretofore organized, or that may hereafter be organized under its provisions, for the purpose of insuring the lives of individuals against death by accident, or for the purpose of paying indemnities for accidental injuries. Provisions of this act to apply to.

This act is ordered to take immediate effect.

Approved January 27, 1885.

## [No. 2.]

AN ACT to prohibit justices of the peace, or any judge or justice of any police court, from sentencing or committing persons to the State House of Correction and Reformatory at Ionia, in certain cases.

Justices, etc.,  
prohibited from  
sentencing  
certain persons  
to House of  
Correction.

SECTION 1. *The People of the State of Michigan enact*, That no justice of the peace, or judge, or justice of any police court, shall sentence or commit any person to the State House of Correction and Reformatory at Ionia, who may be convicted of the crime or offense of being disorderly, of being drunk, or of vagrancy, or for any violation of the provisions of chapter fifty-three, of the compiled laws of eighteen hundred and seventy-one, relative to disorderly persons, as amended by act one hundred and thirty-six session laws of eighteen hundred and eighty-three; or for the larceny of a less sum than five dollars.

This act is ordered to take effect February tenth, A. D. [in the year of our Lord] eighteen hundred and eighty-five.

Approved January 31, 1885.

## [No. 3.]

AN ACT for the formation of corporations for the cultivation of art.

Not less than 5  
persons may  
form.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, residents of this State, who may contribute sums of not less than one thousand dollars each for the purpose of founding a public art institute, may become a body corporate in the manner and for the purposes herein set forth.

Articles of  
association,  
what to state.

SEC. 2. Such persons shall make and sign, in duplicate, articles of association which shall state: (1) The name of the corporation; (2) that the corporation is formed for the objects and purposes contemplated by this act; (3) the names and residences of the persons signing said articles and the amount contributed by each; (4) the place where such corporation is situated; (5) the term of its existence, not to exceed thirty years. Such articles shall be duly acknowledged before some officer authorized to take the acknowledgments of deeds in this State, and when so acknowledged shall be filed in the office of the Secretary of State, and in the office of the clerk of the county in which such corporation is situated.

Acknowledg-  
ment and filing  
of same.

Power as to  
holding prop-  
erty.

SEC. 3. Such corporations shall have power to acquire and hold such real estate as is suitable for the site of such art buildings as it may erect or maintain thereon, to receive and use such gifts, contributions, devises, and bequests as may be made to it for art purposes; to receive, acquire, collect, and own paintings, sculpture, engravings, drawings, pictures, coins, and other works of art, and to institute, maintain, or assist schools for the teaching of art.

May institute,  
maintain, etc.,  
art schools.

Duty of corpo-  
ration.

SEC. 4. The public exhibition of its collection of works of art shall be the duty of every such corporation, and, as soon as it shall be prepared to do so, it shall, under reasonable regulations, and



without any improper discriminations, open its buildings and art collection to the general public. Buildings open to the public.

SEC. 5. Any person who shall contribute to any such corporation, in money or property, one thousand dollars, or more, shall be a member thereof. If the total number of members, other than honorary, shall, at any time, fall below the number subscribing the original articles of incorporation, it shall be the duty of the surviving members to elect as many new members as shall be necessary to restore such original number. It shall also be competent for the members of said corporation, to elect persons meritorious for the cultivation of art, as honorary members, who shall have all the rights and privileges of regular members, but such honorary members shall not, at any time, exceed ten in number. Membership. Honorary members.

SEC. 6. The affairs of said corporation shall be managed by a board of trustees, the number of which shall be regulated by by-law, but in no case shall the number be less than four, nor more than sixteen. Three-fourths of said trustees shall be elected by the members of the corporation, from their own number. The other one-fourth of such trustees shall be appointed from resident freeholders, by the board of aldermen of the city where such corporation is situated, upon the nomination of the mayor of such city. Said trustees shall hold their offices for the period of four years, and until their successors shall be elected or appointed: *Provided*, that the first board shall, at its first meeting, cause itself to be classified as follows: One-fourth shall hold for one year, one-fourth for two years, and one-fourth for three years, and one-fourth for four years. And such classification shall be entered on the records of such corporation. Trustees. Election of. Appointment of. Term of office. Proviso.

SEC. 7. The time of the annual meeting of the corporation shall be fixed by by-law, and the trustees shall be elected or appointed at the time of such annual meeting, and their term shall date from that time; but in case of a failure to elect or appoint trustees, such election or appointment may be made afterwards. Annual meeting.

SEC. 8. Special meetings of the members may be called at any time by the trustees; and shall be called by the trustees whenever not less than five members shall so request in writing. Not less than six days' notice shall be given of a special meeting. Special meetings. Notice of.

SEC. 9. The trustees shall choose one of their own number to be president for such term as may be prescribed by the by-laws. They may appoint or employ a secretary, treasurer, and such other officers or servants as they shall find necessary, and may prescribe their duties, and fix their compensation. The president and trustees shall serve without compensation. President. Secretary, Treasurer, etc. Compensation of officers.

SEC. 10. In case of a vacancy in the board of trustees, if the vacancy shall be of a trustee elected by the members, the board may fill the place until the next annual meeting, when the vacancy shall be filled for the residue of the term by the members. If the vacancy shall be of a municipal trustee, the vacancy shall be filled by the board of aldermen on the nomination of the mayor. Vacancy in board of trustees. How filled.

SEC. 11. Said corporation may adopt a corporate seal, and may make suitable by-laws and revise or alter the same. Seal, by-laws.

Records, etc.	SEC. 12. The trustees shall cause to be kept faithful records of their doings, and also true books of account, which shall at all reasonable times be open to the inspection of any member, and also of the mayor of the city where such corporation is situated.
Annual report.	SEC. 13. The board of trustees shall at each annual meeting make, in writing, a report of their doings for the preceding year, including a complete schedule of the art collections, and a full report of the financial condition of the corporation, and shall cause such financial
Financial report to be published.	report to be published in some daily newspaper of the place where such corporation is situated.
Vote of member.	SEC. 14. Each member of the corporation shall be entitled to one vote, and no more, at the meetings of the corporation. A certificate
Certificate of membership.	of membership, under the seal of the corporation and the hand of its president, shall be issued to each member, and such certificate shall not be transferable.
Gifts, income, etc., what to be used for.	SEC. 15. All gifts, devises, or bequests made to any such corpora-
Dividends prohibited.	tion, and all its income, shall be faithfully used for the purposes for which such corporation was organized; and no dividend in money or
Character and purpose not to be changed except.	property shall ever be made by such corporation among its members.
Provision for winding up affairs.	SEC. 16. The character and purposes of such corporation shall not be changed, nor its general art collection be sold, incumbered, or disposed of, unless authorized by the Legislature of this State upon the concurrent request of said corporation, and of the mayor and board of aldermen of the city in which it is situated. But if any such corporation should ever cease, be diverted from the lawful pur-
First meeting.	poses of its organization, or become unable usefully to serve such purposes, the Legislature may by law provide for the winding up of its affairs and for the conservation and disposition of its property in such way as may best promote and perpetuate, in the city where it is situated, the purposes for which such corporation was originally organized.
Property exempt from taxation.	SEC. 17. The first meeting of any such corporation may be called by any two of its corporators by giving not less than six days' notice, printed in some newspaper of the city where such corporation is situated.
	SEC. 18. The property of such corporation shall be exempt from taxation.

This act is ordered to take immediate effect.

Approved February 16, 1885.

[No. 4.]

### AN ACT to authorize the killing of "English sparrows."

Lawful.	SECTION 1. <i>The People of the State of Michigan enact</i> , That it shall be lawful to kill the birds commonly called "English sparrows."
Repealing clause.	SEC. 2. All acts heretofore passed, contrary to the provisions of the preceding section, are hereby repealed.
	This act is ordered to take immediate effect.
	Approved February 17, 1885.

## [No. 5.]

AN ACT to establish uniform time in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That standard time, central division, based on the ninetieth meridian of longitude west from Greenwich, shall be legal time within this State. Standard time legalized.

Approved February 17, 1885.

## [No. 6.]

AN ACT to provide for the incorporation of Mutual Insurance Companies to insure against cyclones, wind storms, and tornadoes, and defining their powers and duties.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than twenty, may associate together and form an incorporated company for the purpose of mutual insurance of the property of its members against loss by cyclones, wind storms, and tornadoes; which property to be insured may embrace school-houses, literary and grange halls, churches, agricultural societies' buildings, dwelling houses, barns, accompanying outbuildings and their contents, farm implements, hay, grain, wool, and other farm products, live stock, wagons, carriages, harness, household goods, wearing apparel, provisions, musical instruments and libraries, being upon farms as farm property, or dwellings accompanying out-buildings, and such other buildings as are specified in this section, that constitute detached risks in villages and cities, and their contents, as the charters and by-laws of said companies may provide, and belonging to members of said companies. Not less than twenty may form company; purpose of. Property insurable.

SEC. 2. Such persons so associating shall file in the office of Commissioner of Insurance a statement, signed by all the corporators, stating their purpose of forming a company for the transaction of the business of insurance, as expressed in the first section of this act, which statement shall also comprise a copy of the charter proposed to be adopted by them. To file statement with Commissioner of Insurance.

SEC. 3. The persons so associating, after having filed their statement, may open books to receive propositions and enter into agreements in the manner hereafter specified; but no company organized under this act shall do any business or take any risks, or make any insurance in a less territory than this State. No insurance company organized as aforesaid shall commence business until *bona fide* agreements have been entered into for insurance with at least one hundred individuals, covering property to be insured to the amount of not less than one hundred thousand dollars. As to opening books. Territory in which risks may be taken. Requirements necessary before commencing business.

SEC. 4. No company formed under this act shall purchase or hold any real estate except: Holding of real estate.

*First*, Such as shall be necessary for its immediate accommodation in transacting business; or

Counties ex-  
empted from  
provisions of  
act.

tenaw, Hillsdale, Monroe, Genesee, Clinton, Wayne, Oakland, Allegan, Van Buren, Lenawee, and Ingham.]

This act is ordered to take immediate effect.

Approved February 26, 1885.

[No. 9.]

AN ACT to provide for the incorporation, and to define the objects of the order of the Sons of Industry.

Supreme lodge  
may incorpo-  
rate.

SECTION 1. *The People of the State of Michigan enact*, That the supreme lodge of the order of the Sons of Industry may be incorporated in pursuance of this act.

Articles of  
association;  
what to state.

SEC. 2. Any five or more persons, resident of this State, being members of the supreme lodge of the Sons of Industry, may make and execute articles of association, under their hands and seals, which articles of association shall be acknowledged before some officer authorized by law to execute deeds, and shall set forth:

*First*, The names of the persons associating in the first instance, and their places of residence;

*Second*, The corporate name by which such association shall be known in law, and the place of its business office;

*Third*, The object and purpose of such association, which shall be to promote the general welfare, and [to] create a fraternal feeling amongst its members, and also to provide benefits to its members and their widows, orphans, or heirs;

*Fourth*, The period for which the association may be incorporated shall be thirty years.

Where filed.

SEC. 3. The original articles of association of said supreme lodge shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates

Body corporate.

and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall be known, have succession and be persons in law capable to take, receive, hold, and enjoy, to them and their

Limitation as to  
estate etc.

successors, estates, real and personal: *Provided*, That the value of such estates shall not exceed the sum of ten thousand dollars, and that the proceeds, rents, and incomes realized therefrom shall be devoted exclusively to the charitable and benevolent purposes of the said supreme lodge as herein defined; and they shall also be capable of suing and being sued, and to have a common seal, which may be altered or changed at their pleasure. Said corporation shall have full power to make and establish its rules, regulations and by-laws for regulating its business and affairs, and to designate, elect, or appoint from its members such officers under such name as may be designated from time to time.

May adopt  
by-laws.

Copy of articles  
evidence.

SEC. 4. A transcript of such articles of association, under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such corporation.

SEC. 5. Such corporation, when duly formed, shall have power to institute and charter grand and subordinate lodges of said order, and from time to time to make, ordain, constitute and establish such general laws and by-laws, ordinances, and regulations for the government of such grand or subordinate lodge, as to them shall seem proper and necessary; and in case of violation, or non-compliance with such ordinances, by laws, and regulations, to revoke and annul the charter granted such grand or subordinate lodges: *Provided*, That the existing subordinate lodges, heretofore duly chartered by the supreme lodge, shall be subject to the control of the supreme lodge under this act as heretofore, and in the same manner, and to the same extent as those that may hereafter be instituted and chartered under this act.

Power to institute grand and subordinate lodges.

To regulate and control same.

Proviso.

SEC. 6. All corporations formed under this act shall be subject to the provisions of chapter one hundred and thirty of the compiled laws of one thousand eight hundred and seventy-one, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

Subject to provisions of general law.

Act may be amended.

This act is ordered to take immediate effect.

Approved March 4, 1885.

[No. 10.]

AN ACT to amend an act entitled "An act to protect fish and preserve the fisheries of this State," [and] being act number three hundred and fifty of the session laws of one thousand eight hundred and sixty-five, approved March twenty-first, eighteen hundred sixty-five, and all the acts amendatory thereto, and being found as amended in chapter sixty-three, compiler's section two thousand one hundred ninety-five, Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to protect fish and preserve the fisheries of this State," and being act number three hundred fifty of the session laws of eighteen hundred and sixty-five, approved March twenty-first, eighteen hundred sixty-five, and all the acts amendatory thereto, and being found as amended in chapter sixty-three, compiler's section two thousand one hundred ninety-five, Howell's Annotated Statutes of Michigan, be so amended as to read as follows:

Section amended.

SECTION 1. That it shall not be lawful hereafter at any time to kill or destroy, or attempt to kill or destroy, any fish in any of the waters of the State of Michigan by the use or aid of dynamite, herculean or giant powder, or any other explosive substance or combination of substances, or by the use of India cockle, or any other substance or device which has a tendency to stupefy the fish; nor shall any person or persons kill or attempt to kill, or injure by shooting or spearing any fish, during the months of March, April, May, June, July, August, and September, in any of the waters of this State, except Lakes Michigan, Superior, Huron, St. Clair, the St. Clair and

What declared unlawful means of destroying, etc., fish.

Shooting and spearing prohibited during months of—exceptions.

**Seines and nets; provisions as to.** Detroit rivers, and Lake Erie and the harbors connected with said Lakes; nor shall any person catch or take any fish with seines, pound nets, trap nets, or any species of continuous nets, in any of waters of the State except Lakes Michigan, Superior, Huron, St. Clair, the St. Clair and Detroit rivers and Lake Erie, and the harbors connected with said lakes: *Provided*, Nothing in this act shall be construed as prohibiting sole owners of fish ponds from fishing therein as they may think proper; or as prohibiting any person from catching mullet, suckers, red-sides, or sturgeons during the months of March, April, and May by spearing or dip nets: *And provided further*, That this act shall not apply to spearing fish in the Upper Peninsula during the months of April and May.

**Exceptions.**

**Proviso as to Upper Peninsula.**

Approved March 4, 1885.

## [No. 11.]

AN ACT to detach the county of Ogemaw from the eighteenth judicial circuit, and attach the same to the twenty-third judicial circuit.

**Ogemaw county attached to 23d judicial circuit.**

SECTION 1. *The People of the State of Michigan enact*, That the county of Ogemaw be and the same is hereby detached from the eighteenth judicial circuit, and attached to the twenty-third judicial circuit.

This act is ordered to take immediate effect.

Approved March 11, 1885.

## [No. 12.]

AN ACT to change and fix the boundary line between the counties of Houghton and Baraga.

**Boundary line fixed and defined.**

SECTION 1. *The People of the State of Michigan enact*, That the boundary line between the counties of Houghton and Baraga be and the same is hereby changed and fixed as follows: Commencing at a point where the north line of town fifty-two north, of range thirty-three west, strikes the shores of Keweenaw Bay, thence west on said north line to the northwest corner of said town fifty-two north, of range thirty-three west, thence south on the west line of said town fifty-two north, range thirty-three west, to the southwest corner of said town fifty-two north, of range thirty-three west, thence west on the north line of town fifty-one north, of range thirty-four west to the northwest corner of said town fifty-one north, of range thirty-four west, thence south on the west line of said town fifty-one north, of range thirty-four west, to the southwest corner of said town fifty-one north, of range thirty-four west, to the fifth correction line, thence south from the common corner between sections three and four, town fifty north, range thirty-five west, on the center section line of towns fifty, forty-nine, forty-eight, and forty-seven



north, of range thirty-five west, to the south boundary line of Houghton county, as at present situated between towns forty-seven and forty-six north, of range thirty-five west.

SEC. 2. Any act or acts or parts thereof inconsistent with this act Acts repealed. be and the same are hereby repealed.

This act is ordered to take immediate effect.

Approved March 12, 1885.

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[No. 13.]

AN ACT providing for an exemption from poll-tax of discharged soldiers, sailors, and marines, resident in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That all Poll tax, exemptions from. soldiers, sailors, and marines, resident and being in the State of Michigan, who were regularly mustered into, and have been honorably discharged from the service of the United States, shall be exempt from the levy and payment of any poll-tax during the continuance of their residence in this State.

Approved March 12, 1885.

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[No. 14.]

AN ACT for the better protection of labor debts.

SECTION 1. *The People of the State of Michigan enact*, That the following personal property only, not exceeding in value five hundred dollars, shall be exempt from levy and sale, under any execution issued upon a judgment obtained in, or before any competent court of this State for work, labor, or services, other than professional services, done or performed by any person: Spinning wheels, weaving looms, with the apparatus and stoves put up and kept for use in any dwelling house; cemeteries, tombs, and rights of burial, while in use as repositories of the dead; the library and school books of every individual and family, and all family pictures; one cow, and provisions and fuel for the comfortable subsistence of every person and family for one month, and household goods, furniture, and utensils. Personal property only exempt.

SEC. 2. When a levy shall be made upon any of that class or species of property mentioned in the preceding section, by virtue of an execution issued according to the provisions of this act, the officer levying such execution may make an inventory of the whole of such property belonging to the person against whom such execution shall be issued, and cause the same to be appraised at its cash value by two disinterested freeholders of the township where the property may be on oath, to be administered by him, to such appraisers. Inventory and appraisal.

SEC. 3. Upon such inventory and appraisal being completed, the defendant in execution, or his authorized agent, may select from such inventory an amount of such property not exceeding, according Selection of exemption.

to such appraisal, the value of five hundred dollars; but if neither such defendant nor his agent shall appear and make such selection, the officer shall make the same for him.

Record to state judgment is for labor.

SEC. 4. In entering such judgment as is mentioned in the first section of this act, the court shall cause to be recited in the judgment entry and record, that the same was rendered or recovered for the personal work and labor of the plaintiff, or his assignor, and the same fact shall also be recited in any execution issued thereon.

Security for costs, when not to be ordered.

SEC. 5. In any suit brought to recover for the personal work and labor of the plaintiff, security for costs shall not be ordered in case the plaintiff shall make and file with the court an affidavit that he has a good and meritorious cause of action and is unable to procure security for costs.

Assignees of claims.

SEC. 6. Assignees of claims for work and labor enumerated in this act shall be entitled to the benefits thereof.

Approved March 13, 1885.

[No. 15.]

AN ACT to amend section seven thousand six hundred and six, of Howell's Annotated Statutes, being compiler's section six thousand and twenty-six of the compiled laws of eighteen hundred and seventy-one, relative to the trial of issues of fact.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven thousand six hundred and six, of Howell's Annotated Statutes, being compiler's section six thousand and twenty-six, of the compiled laws of eighteen hundred and seventy-one, relative to trials of issues of fact, be amended so as to read as follows:

When jury not to be compelled to give general verdict.

(7606.) SEC. 57. No jury shall be compelled, in any case, to give a general verdict, so that they may not find a special verdict, showing the facts respecting which the issue is joined, and thereon require the judgment of the court upon such facts, and in all cases where an issue of fact is tried before any court of record, the court shall, at the request in writing, of the counsel of either party, instruct the jury if they return a general verdict, also to find upon the particular questions of facts, to be stated in writing, and shall direct a written finding thereon: *Provided*, Such special questions shall not exceed five in number, and shall be each in single, short sentences, readily answered by yes or no. The special verdict, or finding, shall be filed with the clerk, and entered upon the minutes, and when any special finding of fact shall be inconsistent with a general verdict, the former shall control the latter, and the court give judgment accordingly. All acts in conflict herewith shall be and are hereby repealed.

Instruction of court to jury.

Proviso.

Special verdict.

Acts repealed.

Approved March 13, 1885.

## [No. 16.]

AN ACT to attach the county of Isle Royal to the county of Houghton, for judicial purposes.

SECTION 1. *The People of the State of Michigan enact*, That the county of Isle Royal be and the same is hereby attached to the county of Houghton for judicial purposes. Territory attached.

SEC. 2. The records of the courts formerly held in said county of Isle Royal shall be deposited with the clerk of the said county of Houghton. All writs and other judicial orders issued against either persons or property within the limits of the said county of Isle Royal, shall be issued by the clerk of the said county of Houghton, and made returnable to the circuit court thereof, in the same manner, and with like effect as other writs issued by him, and shall be directed to the sheriff of said county of Houghton, and the said sheriff, or his deputies, and also the coroners in and for the county of Houghton, shall have power and authority to execute the same in the same manner as though issued against persons or property within the limits of the said county of Houghton. Disposition of records.  
Writs, etc., who to issue, etc.

SEC. 3. This act shall take immediate effect.

Approved March 13, 1885.

## [No. 17.]

AN ACT to amend compiler's section fifty-seven hundred and twenty-seven of the compiled laws of eighteen hundred and seventy-one, being section six of chapter two hundred and fifty-seven of Howell's Annotated Statutes of Michigan, so as to specify the times for the issue and return of original writs in personal actions, and to provide for common return days for said writs.

SECTION 1. *The People of the State of Michigan enact*, That compiler's section fifty-seven hundred and twenty-seven of the compiled laws of eighteen hundred and seventy-one, being section six of chapter two hundred and fifty-seven of Howell's Annotated Statutes of Michigan, be and is hereby amended so as to read as follows: Section amended.

(§ 5727) SEC. 6. The original writ in personal actions shall be a summons or a *capias ad respondendum*, in the form heretofore in use in this State, unless the form thereof shall be altered by rule of court, and said writs may be issued in vacation or term time and made returnable on the first Tuesday of any month, and also on any day in term: *Provided*, That neither of said writs shall be made returnable beyond three months from its date, unless more than that time intervenes before the next term, and in such case the writ shall be returnable on or before the first day of the next term. Original writs.  
Issue and return of same.  
Proviso.

Approved March 13, 1885.

[No. 18.]

AN ACT to amend section one of chapter ten of act one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, approved May twenty-first, eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," as amended by act number twenty-eight of the session laws of eighteen hundred and eighty-three, approved April eighteenth, eighteen hundred and eighty-three, being compiler's section fifty-one hundred and thirty-two of Howell's Annotated Statutes.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter ten of act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, approved May twenty-first, eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," as amended by act number twenty-eight of the session laws of eighteen hundred and eighty-three, approved April eighteen, eighteen hundred and eighty-three, being compiler's section fifty-one hundred and thirty-two of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Graded school  
district, organi-  
zation of.

SECTION 1. Any school district containing more than one hundred children between the ages of five and twenty years may, by a two-thirds vote of the qualified electors present at any annual or special meeting, organize as a graded school district: *Provided*, That the intention to take such vote shall be expressed in the notice of such annual or special meeting. When such change in the organization of the district shall have been voted, the voters at such annual or special meeting shall proceed immediately to elect by ballot from the qualified voters of the district one trustee for the term of one year, two for the term of two years, and two for a term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire: *Provided, also*, In all districts organized prior to the year eighteen hundred and eighty-three there shall be one trustee elected at the annual meeting for the year eighteen hundred and eighty-three, and thereafter there shall be elected a trustee or trustees in the manner aforesaid, whose term of office shall be three years, and until his or their successor or successors shall have been elected and filed his or their acceptance: *Provided, also*, That in the election of trustees, and all other school officers, the person receiving a majority of all the votes shall be declared elected.

Proviso.

Trustees,  
election of.

Proviso.

Idem.

SEC. 2. This act shall take immediate effect.

Approved March 13, 1885.

## [No. 19.]

AN ACT to require the use of bells on either a team or sleigh during the winter season, for the safety of foot travelers.

SECTION 1. *The People of the State of Michigan enact*, If any person or persons shall drive or cause to be driven, faster than on a walk, on any public highway or private road used by the public in this State, or on any street of an incorporated city or village therein, any sleigh or cutter or other vehicle used as a substitute for either, drawn by horses or mules, or by a horse or mule, during the season, of sleighing without having bells on at least one of the animals so used, or without having bells attached to such sleigh, cutter, or other vehicle so drawn, in such a manner as to warn foot travelers of its approach, he or they shall, on conviction thereof, be fined in a sum not exceeding twenty-five dollars, or in default of payment of said fine shall be imprisoned in the county jail for a period not exceeding ten days, in the discretion of the court before whom the conviction is had: *Provided*, That the provisions of this act shall apply to the Upper Peninsula alone.

Bells, when required to be used.

Penalty for failure to use.

Proviso.

Approved March 13, 1885.

## [No. 20.]

AN ACT to provide for the payment of certain drain taxes apportioned on State lands, in accordance with the provisions of section twenty-one of act number two hundred and sixty-nine, session laws of eighteen hundred and eighty-one, being section seventeen hundred eleven Howell's Annotated Statutes of eighteen hundred eighty-two.

SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office is hereby authorized to certify to the Auditor General the amount of all drain taxes heretofore reported to him by the several drain commissioners of this State, in accordance with section twenty-one of act number two hundred and sixty-nine, of the session laws of eighteen hundred and eighty-one, being section seventeen hundred eleven, Howell's Annotated Statutes of eighteen hundred eighty-two.

Commissioner of Land Office to certify to Auditor General amount of drain tax, etc.

SEC. 2. The Auditor General, upon such amounts being certified to him, as provided in section one of this act, shall draw his warrant on the State treasurer therefor, payable out of the general fund, and said warrant shall be forwarded to the respective drain commissioners: *Provided*, The drains for which such taxes were apportioned has been completed and accepted by said commissioners, and the certificate of such commissioners, when filed with the Auditor General, shall be sufficient evidence of such completion and acceptance.

Auditor General to draw warrant and send to drain commissioner.

Proviso.

This act is ordered to take immediate effect.

Approved March 17, 1885.

## [No. 21.]

AN ACT to amend section four of act number one hundred and ninety-one, of the session laws of eighteen hundred and seventy-seven, as amended by act number two hundred and sixteen, of the session laws of eighteen hundred and eighty-one, being section twenty-three hundred and sixty-eight of Howell's Annotated Statutes, relative to limited partnership.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of act one hundred and ninety-one, of session laws of eighteen hundred and seventy-seven, as amended by act two hundred and sixteen, of session laws of eighteen hundred and eighty-one, being continuous section twenty-three hundred and sixty-eight, of the first volume of Howell's Annotated Statutes of Michigan, of the year eighteen hundred and eighty-two, be and the same is hereby amended so as to read as follows:

Interest in as-  
sociation, per-  
sonal estate,  
etc.

SEC. 4. Interest in said association shall be personal estate, and may be transferred under such rules and regulations as the association may prescribe and in force at the time of such transfer; and the transferee of any interest, whether by purchase, gift, descent, or bequest, shall become a member of such association, on compliance with such rules and regulations.

SEC. 5. This act shall take immediate effect.

Approved March 17, 1885.

## [No. 22.]

AN ACT to amend section fourteen of chapter two, of act number one hundred and sixty-four of the session laws of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being section five thousand and forty-six of Howell's Annotated Statutes of Michigan.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen of chapter two, of act number one hundred and sixty-four, of the session laws of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being section five thousand and forty-six of Howell's Annotated Statutes of Michigan, be amended so as to read as follows:

Annual meet-  
ing; when held.  
School year to  
commence.

SEC. 14. The annual meeting of each school district shall be held on the first Monday of September in each year, and the school year shall commence on that day: *Provided*, That any school district that shall so determine at an annual meeting, or at a special meeting duly called for that purpose, may hold its annual meeting on the second Monday of July in each year, or in the same manner may

Proviso.



thereafter change the time of its annual meeting to the first Monday in September in each year, and the trustees and officers of the district shall date their terms of office from the date so chosen, and until their successors are elected and qualified: *Provided further*, Proviso. that such action, in either case, shall not change the time of the commencement of the school year, or the taking of the annual school census.

Approved March 17, 1885.

[No. 23.]

AN ACT to organize the county of Alger.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to-wit: Townships forty-eight (48), forty-nine (49), and fifty (50) north, of range thirteen (13) west, and townships forty-eight (48) and forty-nine (49) north, of ranges fourteen (14), fifteen (15), and sixteen (16) west, and townships forty-six (46), forty-seven (47), and forty-eight (48) north, of ranges seventeen (17) and eighteen (18) west, and townships number forty-four (44), forty-five (45), forty-six (46), forty-seven (47), and forty-eight (48) north, of ranges nineteen (19), twenty (20), twenty-one (21), and twenty-two (22) west, be and the same is hereby detached from the county of Schoolcraft and organized into a separate county to be known as the county of Alger; and the inhabitants thereof shall be entitled to all the privileges, powers, and immunities to which, by the laws, the inhabitants of other organized counties in the State are entitled. Territory organized.

SEC. 2. The county seat of said county of Alger shall be located by the Board of Supervisors of said county. County seat.

SEC. 3. The county clerk shall provide a suitable seal and all necessary books for the use of the circuit court for said county, and the sheriff shall provide a suitable place for holding said court at the expense of said county, until a suitable place for holding the same is provided by the Board of Supervisors of said county. Circuit court, duties of county clerk and sheriff relative to.

SEC. 4. Said county of Alger shall remain a part of the representative district now composed of the counties of Delta, Schoolcraft, Mackinac, and Chippewa, and of the thirty-first (31st) senatorial district, and of the eleventh (11th) congressional district, and of the eleventh judicial circuit until otherwise provided by law. The judge of said circuit shall fix the time for holding the circuit court of said county on or before the first (1st) day of June next. The sheriff and county clerk of said county shall designate in writing where said circuit court shall be held, and such designation shall be filed with the clerk, and the same shall remain so fixed until changed by the Board of Supervisors of said county. Representative district. Senatorial district. Congressional. Judicial. Circuit court, time of holding. Place. Supervisors may change.

SEC. 5. The Board of Supervisors of said county of Alger may employ a suitable person to transcribe the records of deeds and mortgages from the records of Schoolcraft county so far as the same relate to lands in Alger county; which person shall have access to Transcript of records, deeds, etc., from records of Schoolcraft county.

**To be treated as originals.** the books in the office of the register of deeds in said Schoolcraft county for that purpose. Such transcribed records shall be taken and recived in all cases, and have the same legal effect as the original records.

**Election of county officers.** SEC. 6. At the election to be held on the first Monday of April next, the several county officers of said county of Alger shall be elected. The election of such officers and the canvass thereof shall be conducted in the manner prescribed by law: *Provided*, That

**Proviso.** the county canvass of such election shall be held at the office of the township clerk of the township of Munising in said county, on the Monday next succeeding such election, and the officers so elected shall qualify and enter on the duties of their respective offices on or before the twentieth day of April, eighteen hundred eighty-five, and shall hold their several terms of office until the first day of January, eighteen hundred eighty-seven, and till their successors are elected and qualified.

**Terms of.** SEC. 8 [7.] The following described territory to wit: Town forty-five (45) north, of range fifteen (15) west, towns forty-five (45), forty-six (46), and forty-seven (47) north, of range sixteen (16) west, town forty-five (45) north, of range seventeen (17) west, and towns forty-four (44) and forty-five (45) north, of range eighteen west, is hereby detached from the township of Munising in said county of Alger, and town forty-five (45) north, of range fifteen (15) west, attached to the township of Manistique in said county of Schoolcraft, towns forty-five (45), forty-six (46), and forty-seven (47) north, of range sixteen (16) west, and town forty-five (45) north, of range seventeen (17) west, attached to the township of Hiawatha, in said county of Schoolcraft, and towns forty-four (44) and forty-five (45) north, of range eighteen (18) west, attached to the township of Thompson in said county of Schoolcraft.

**Territory detached from township of Munising, Alger county.**

**Attached to township of Manistique, Schoolcraft county.**

**To township of Hiawatha.**

**To township Thompson.** SEC. 9 [8.] The settlement between said county of Schoolcraft and the county of Alger shall be made on the basis of the equalized valuation of the respective counties, and the county of Alger shall pay its just proportion of the bonded or other indebtedness of the county of Schoolcraft, if any such indebtedness there shall be, at the time of settlement between the counties, on a basis of such equalized valuation.

This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 24.]

AN ACT to amend section fifty-three of an act entitled "An act to regulate and govern the State House of Correction and Reformatory at Ionia," approved May twenty-second, eighteen hundred and seventy-seven, and to add a new section thereto, to stand as section sixty-seven.

**Section amended.**

SECTION 1. *The People of the State of Michigan enact*, That section fifty-three of an act entitled "An act to regulate and govern the

State House of Correction and Reformatory at Ionia," approved May twenty-second, eighteen hundred and seventy-seven, be and the same is hereby amended so as to read as follows, and that a new section to stand as section sixty-seven be added thereto.

SEC. 53. When any person shall be discharged from the institution by pardon or otherwise, the warden shall furnish such inmate with clothing, if he be not already provided for, not exceeding ten dollars in value, and a railroad ticket to his place of residence, if it be within this State; if not within this State, then to the place of his conviction, which ticket shall be for transportation over the nearest traveled route to the home of such discharged inmate; such ticket shall have written upon it the name of the inmate to whom furnished, together with the words "not transferable to any other person," and the board of managers of such institution shall make such contract with the several railroad companies relative to purchase and form of tickets as shall in their judgment be advisable and according to law. It shall be the duty of the warden to place such discharged convicts on board of the cars at Ionia, at the proper time of day, and any person other than the one named in such ticket found riding on same shall be deemed guilty of a misdemeanor.

Discharged convicts to be furnished clothing and railroad ticket.

To contract for railroad tickets.

Duty of warden.

SEC. 67. It shall be the duty of the prosecuting attorney of Ionia county to appear for the people of this State before the circuit court for the county of Ionia in all cases on a writ of *habeas corpus* where the petitioner is detained in said institution, and for such services he shall receive ten dollars for each day and five dollars for each half day for the time actually spent, the same to be paid on the certificate of the circuit judge of Ionia county that said services were necessary and the services were actually performed.

Duty of prosecuting attorney, Ionia county.

Habeas corpus cases.

Payment for services.

This act is ordered to take immediate effect.

Approved March 17, 1885.

[No. 25.]

AN ACT to amend sections two and three of act one hundred and ninety-two of the general laws of eighteen hundred and sixty-seven, entitled "An act to provide for the incorporation of associations, conventions, conferences or religious bodies, for literary, religious or other benevolent purposes," approved March twenty-seventh, eighteen hundred and sixty-seven, being sections thirty-one hundred and thirty-two and thirty-one hundred and thirty-three of the compiled laws of eighteen hundred and seventy-one, and section five of act four of the public laws of eighteen hundred and seventy-five, amendatory thereto, being sections forty-seven hundred and twenty-three, forty-seven hundred and twenty-four, and forty-seven hundred and twenty-six of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That sections two and three of act one hundred and ninety-two of the general laws of eighteen hundred and sixty-seven, entitled "An act to provide for the incorporation of associations, conventions, confer-

Section amended.

ences or religious bodies, for literary, religious or other benevolent purposes," approved March twenty-seventh, eighteen hundred and sixty-seven, being sections thirty-one hundred and thirty-two and thirty-one hundred and thirty-three of the compiled laws of eighteen hundred and seventy-one, and section five of act four of the public laws of eighteen hundred and seventy-five, amendatory thereto, being sections forty-seven hundred and twenty-three, forty-seven hundred and twenty-four, and forty-seven hundred and twenty-six of Howell's Annotated Statutes, be and the same are hereby amended to read as follows:

Limitation, real and personal estate.

SEC. 2. Said corporation may hold real and personal estate, not exceeding in value five hundred thousand dollars, to be devoted exclusively to the publication, issue, and diffusion of Christian knowledge, by missionaries, publications, and such other means, agencies, and instrumentalities as are necessary therefor: *Provided*, That all property of such corporation (except houses of public worship used and occupied as such) shall be subject to taxation the same as other real and personal estate, and shall be used only for the legitimate purposes of such corporation, and to secure the objects of its incorporation.

Proviso, taxation.

To make report.

SEC. 3. Any corporation formed under this act shall, whenever required by the Attorney General, Secretary of State, or either house of the State Legislature, report a full statement of its affairs to the officer or house requiring it.

Articles of association to contain.

SEC. 5. The articles of association shall set forth the purposes of the incorporation and the mode of selection and term of office, as well as the general powers of the trustees, and may provide for the first board by name instead of by future election, if desired. Said articles may also provide, in addition to the general purposes of incorporation, for such corporations acting as auxiliary to any religious conference, synod or convention in the State of Michigan, incorporated or unincorporated, and for the choice of trustees, in whole or in part, by such conference, synod or convention. Said articles may also provide for the receiving and executing of trusts for the general purposes of incorporation, within the meaning of this act, as well as trusts for the benefit of such religious conference, synod, or convention; but all trusts for the benefit of such conference, synod, or convention shall be for purposes to be executed and expended within the State of Michigan.

Trusts.

Approved March 19, 1885.

[No. 26.]

AN ACT to provide for the inspection of commercial fertilizers and to regulate the sale thereof.

Sale of fertilizer at certain price.

SECTION 1. *The People of the State of Michigan enact*, That any person or persons who shall sell or offer for sale in this State any commercial fertilizer, the retail price of which exceeds ten dollars per ton, shall affix on the outside of every package containing such

fertilizer a plainly printed certificate, stating the number of net pounds therein ; the name or trade mark under which such article is sold ; the name of the manufacturer ; the place of manufacture, and a chemical analysis, stating the percentage of nitrogen in an available form ; of potash soluble in water, and of phosphoric acid in an available form (soluble or reverted) and the insoluble phosphoric acid.

Packages, how labeled.

SEC. 2. Before any commercial fertilizer is sold or offered for sale, the manufacturer, importer or party who causes it to be sold or offered for sale within this State, shall file with the Secretary of the State Board of Agriculture a certified copy of the analysis and certificate referred to in section one, and shall also deposit with said secretary a sealed glass jar containing not less than two pounds of such fertilizer, with an affidavit that it is a fair sample of the article thus to be sold or offered for sale.

File analysis, etc., with Sec'y Board of Agriculture.

Sample.

SEC. 3. The manufacturer, importer, or agent of any commercial fertilizer, the retail price of which exceeds ten dollars per ton as aforesaid, shall pay annually to the Secretary of the State Board of Agriculture, on or before the first day of May, a license fee of twenty dollars for each and every brand of fertilizer he offers for sale in this State: *Provided*, That whenever the manufacturer or importer shall have paid this license fee his agents shall not be required to do so.

License fee.

SEC. 4. All such analyses of commercial fertilizers required by this act shall be made under the direction of the State Board of Agriculture and paid for out of the funds arising from the license fees provided for in section three. At least one analysis of each fertilizer shall be made annually.

Analyses, by whom made and when.

SEC. 5. The Secretary of the State Board of Agriculture shall publish in his annual report a correct statement of all analyses made and certificates filed in his office, together with a statement of all moneys received for license fees, and expended for analysis. Any surplus from license fees remaining on hand at the close of the fiscal year shall be placed to the credit of the experimental fund of said board.

Statement of, in annual report Board of Agriculture.

Surplus fees.

SEC. 6. Any person or persons who shall sell or offer for sale any commercial fertilizer in this State without first complying with the provisions of sections one, two, and three of this act, or who shall attach or cause to be attached to any such package of fertilizer an analysis stating that it contains a larger percentage of any one or more of the constituents or ingredients named in section one of this act than it really does contain, shall upon conviction thereof be fined not less than one hundred dollars for the first offense, and not less than three hundred dollars for every subsequent offense, and the offender shall also be liable for all damages sustained by the purchaser of such fertilizer on account of such misrepresentation.

Penalty for non-compliance.

SEC. 7. The State Board of Agriculture by any duly authorized agent is hereby authorized to select from any package of commercial fertilizer exposed for sale in this State, a quantity, not exceeding two pounds, for a sample, such sample to be used for the purposes of an official analysis and for comparison with the certificate

Power of Board of Agriculture.



filed with the Secretary of the State Board of Agriculture and with the certificate affixed to the package on sale.

Suits, how brought.

SEC. 8. All suits for the recovery of fines under the provisions of this act shall be brought under the direction of the State Board of Agriculture.

Approved March 20, 1885.

[No. 27.]

AN ACT to regulate the sale of adulterated honey.

Unlawful sale of.

Packages to be labeled.

Penalty.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person, knowingly, to sell, or offer for sale, any compounded or manufactured honey, unless each package or vessel shall be marked or labeled as such, and bearing the name of the manufacturer or compounder, either written or printed thereon.

SEC. 2. Any person violating the provisions of this act, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than twenty-five dollars for the first offense, and for each offense thereafter, not less than twenty-five dollars, nor more than fifty dollars, or imprisonment in the county jail for any time not exceeding three months, or both such fine and imprisonment, in the discretion of the court.

Approved March 20, 1885.

[No. 28.]

AN ACT making an appropriation for the Pioneer Society of the State of Michigan, for the years eighteen hundred and eighty-five and eighteen hundred and eighty-six.

Appropriation.

Purpose of.

Limitation as to use.

Additional for printing.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated from the general fund for each of the years eighteen hundred and eighty-five and eighteen hundred and eighty-six, to the Pioneer Society of the State of Michigan, the sum of five hundred dollars, to be expended from time to time, whenever needed, for the purposes of said society, in collecting, embodying, arranging, and preserving, in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials illustrative of the history of Michigan; to rescue from oblivion the memory of its early pioneers; to obtain and preserve narratives of their early exploits, perils, and hardy adventures; to secure facts and statements relative to the history, genius, progress, or decay of our Indian tribes; to exhibit faithfully the antiquities, and the past and the present resources of Michigan; but no part of such annual appropriation shall ever be paid for service rendered by its officers to the society.

SEC. 2. There is hereby further appropriated from the general fund, for each of the years eighteen hundred and eighty-five and



eighteen hundred and eighty-six, the sum of two thousand dollars, or as much thereof as may be necessary for the publishing by the State printer, in each of the years eighteen hundred and eighty-five and eighteen hundred and eighty-six, under the direction of the Pioneer Society of the State of Michigan, one volume of matter, prepared and selected by the officers of said society; said volume, in each year, not to exceed seven hundred and twenty pages, and to be in type, style of printing and binding, similar to the "Pioneer Collections" heretofore published by said Pioneer Society, the number of copies so to be published, under the direction of said Pioneer Society, not to exceed, in each year, three thousand volumes.

Size of volume,  
etc.

Number of  
copies.

SEC. 3. Five hundred copies of each volume, to be published as heretofore in this act provided for, shall be deposited in the State library of Michigan, for exchange with the pioneer and historical societies of other States, governments, and countries. A further distribution of said volumes to be made by the officers of said Pioneer Society, to each of the duly incorporated public libraries in the State of Michigan, when demanded by the proper officers of said libraries, and the balance to be placed in the hands of the State Librarian, to be sold at a price not less than seventy-five cents per volume, the proceeds to be deposited in the State treasury to the credit of the general fund.

Disposition of.

SEC. 4. The money appropriated by this act may be drawn from the State treasury, from time to time, on warrant of the Auditor General, based on the requisition of the proper officer of the society, subject to the requirements of law, in regard to filing vouchers and accounts.

How money to  
be drawn.

Approved March 20, 1885.

### [No. 29.]

AN ACT to amend section three of act number ninety-seven of the general laws of eighteen hundred and sixty-one, entitled "An act to provide for the incorporation of associations for the publication of periodicals, newspapers, books, tracts, documents, and other publications," approved March seventh, eighteen hundred and sixty-one, as amended by act number three hundred and seventeen of the general laws of eighteen hundred and sixty-five, being section thirty-one hundred and eighty of the compiled laws of eighteen hundred and seventy-one, being section forty-one hundred and ninety-eight of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number ninety-seven of the general laws of eighteen hundred and sixty-one, entitled "An act to provide for the incorporation of associations for the publication of periodicals, newspapers, books, tracts, documents, and other publications," approved March seventh, eighteen hundred and sixty-one, as amended by act number three hundred and seventeen of the general laws of eighteen hundred and sixty-five, being section thirty-one hundred and eighty of the

Section  
amended.

compiled laws of eighteen hundred and seventy-one, being section forty-one hundred and ninety-eight of Howell's Annotated Statutes, be and the same is hereby amended to read as follows:

**Body corporate.** (4198.) SEC. 3. Upon compliance with the provisions of the preceding section, such association shall be and is hereby declared a  
**May hold certain real estate.** body corporate, empowered to hold and possess so much real estate purchased by it, or that may be given, granted, or devised to it as a corporation, in accordance with the provisions of law at the time such grant or devise shall take effect, as may be necessary for its use and occupation for the purposes of business, also personal property not exceeding two hundred and fifty thousand dollars: *Provided,*  
**Proviso, taxation of property.** That all property of such association shall be subject to taxation, and shall be used for no other purposes than in the legitimate business of the association, and to secure the object of its incorporation.

SEC. 2. This act shall take immediate effect.

Approved March 20, 1885.

[No. 30.]

AN ACT to amend section two of act number forty-three of the general laws of eighteen hundred and sixty-seven, entitled "An act to provide for the formation of corporations for establishing health institutions," approved March thirteenth, eighteen hundred and sixty-seven, being section three thousand and twenty-six of the compiled laws of eighteen hundred and seventy-one, being section forty-eight hundred and one of Howell's Annotated Statutes.

**Section amended.** SECTION 1. *The People of the State of Michigan enact,* That section two of act number forty-three of the general laws of eighteen hundred and sixty-seven, entitled "An act to provide for the formation of corporations for establishing health institutions," approved March thirteenth, eighteen hundred and sixty-seven, being section three thousand and twenty-six of the compiled laws of eighteen hundred and seventy-one, being section forty-eight hundred and one of Howell's Annotated Statutes, be and the same hereby is amended to read as follows:

**Personal property.** (4801.) SEC. 2. Any corporation formed by authority of this act, may hold and own personal property, not exceeding two hundred  
**Real estate.** thousand dollars in value, and may hold sufficient real estate for the location of its buildings, and for its actual use in connection therewith; and the same and all its personal property may sell, mortgage, and dispose of at pleasure. Such real and personal estate shall be  
**Taxation.** subject to taxation the same as other real and personal estate.

SEC. 3. This act is ordered to take immediate effect.

Approved March 20, 1885.

## [No. 31.]

AN ACT to repeal an act entitled "An act to promote immigration to Michigan," approved April third, eighteen hundred sixty-nine, and the act amendatory thereof, entitled "An act to amend sections one and two of an act entitled 'An act to promote immigration in Michigan,' " being compiler's sections two hundred and six and two hundred and seven of the compiled laws of eighteen hundred and seventy-one, approved June tenth, eighteen hundred eighty-one, and to abolish the office of Commissioner of Immigration as by said act and amendatory act provided for, and to transfer the books and archives of said office to the office of the Secretary of State of the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to promote immigration to Michigan," approved April third, eighteen hundred sixty-nine, and the act amendatory thereof, entitled an act to amend sections one and two of an act entitled "An act to promote immigration in Michigan," being compiler's sections two hundred and six and two hundred and seven of the compiled laws of eighteen hundred and seventy-one, approved June tenth, eighteen hundred eighty-one, the same as amended being sections three hundred twenty-eight and three hundred twenty-nine of Howell's Annotated Statutes, be and the same is hereby repealed. Act repealed.

SEC. 2. The office of Commissioner of Immigration, as provided for under said original act, and the act amendatory thereof, is hereby abolished, and the incumbent of said office is hereby directed and required to transfer and turn over to the Secretary of State of the State of Michigan, all the books, maps, papers, and other documents and archives of said office, at once, on the taking effect of this act, and the pay and emoluments of said Commissioner of Immigration and his clerks shall from that time cease. Office abolished.  
Transfer of records, etc.

SEC. 3. The books, maps, papers, and other documents constituting the archives of the office of Commissioner of Immigration shall be kept and preserved in the office of said Secretary of State of this State, for future reference, and to constitute a part of the history of the State. Preservation of records.

Ordered to take effect June first, eighteen hundred and eighty-five.

Approved March 24, 1885.

## [No. 32.]

AN ACT to amend sections one hundred eighty-five and one hundred eighty-six of chapter ninety-three of the revised statutes of eighteen hundred forty-six, entitled "Of courts held by justices of the peace," being sections seven thousand and seven thousand one of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That sec-

Sections  
amended.

tions one hundred eighty-five and one hundred eighty-six of chapter ninety-three of the revised statutes of eighteen hundred forty-six, entitled "Of courts held by justices of the peace," being sections seven thousand and seven thousand one of Howell's Annotated Statutes, be and the same are hereby amended so as to read as follows:

## Appellant.

(7000.) SEC. 185. The party appealing under the provisions of the preceding section shall also, within five days after the rendition of the judgment, deliver to the justice a bond or recognizance to the adverse party, in conformity with the following provisions:

## Bond.

## Penalty of.

*First*, It shall be in a penalty not less than fifty dollars, and not less than double the amount of the judgment, excluding costs;

## Contents of.

*Second*, It shall recite the judgment so far as to exhibit the names of all the parties, the character in which they prosecuted or defended before the justice, the amount recovered, and the name of the justice;

## Condition of.

*Third*, It shall contain a condition that the appellant will prosecute his appeal with all due diligence, to a decision in the circuit court; and that if a judgment be rendered against him in such court, he will pay the amount of such judgment, including all costs, with interest thereon, and if his appeal shall be discontinued or dismissed, that he will pay the amount of the judgment rendered against him, if any, in the justice's court, including all costs, with interest thereon;

## How executed.

*Fourth*, It shall be executed by the appellant, with one or more sufficient sureties, or by two or more sufficient sureties without the appellant. Such bonds or recognizances may be taken by the justice by whom the judgment was rendered, or by any other justice of the peace of the same county, or by the county clerk of the same county.

Sureties to  
justify.

(7001.) SEC. 186. No justice of the peace or county clerk shall take any bond or recognizance on appeal, as hereinbefore provided, unless the person or persons entering into the same as surety, justifies his or their responsibility in writing and under oath, which justification shall be by said justice endorsed on said bond.

Approved March 26, 1885.

[No. 33.]

AN ACT to provide for the payment of the expense of the Michigan exhibit at the New Orleans Exposition.

Amount  
appropriated.

SECTION 1. *The People of the State of Michigan enact*, That the sum of ten thousand two hundred dollars be and the same is hereby appropriated out of any moneys in the State treasury to the credit of the general fund, not otherwise appropriated, for the payment of the expense of the Michigan exhibit at New Orleans.

For expense of  
New Orleans  
Exhibition.Board of Audi-  
tors to allow.

SEC. 2. The Board of State Auditors are hereby authorized to audit and allow to the Michigan commissioners to the New Orleans Exposition the sum hereby appropriated, or so much thereof as may

be necessary to pay the expenses of said commission, and the Auditor General is hereby authorized to draw his warrant upon the State Treasurer for the amount so audited and allowed upon presentation of the proper vouchers certified by the Board of State Auditors: *Provided*, That before any of said appropriation shall be paid the bonds issued by said commissioners, bearing date October twenty-seventh, eighteen hundred and eighty-four, which bonds amount to the sum of ten thousand dollars, shall be presented to the Board of State Auditors for cancellation.

How audited  
and paid.

Proviso, bonds  
to be canceled.

Ordered to take immediate effect.

Approved April 1, 1885.

[No. 34.]

AN ACT to establish a recorder's court for the city of Kalamazoo, and to define the jurisdiction of the same.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the recorder, elected at any election, in the city of Kalamazoo, to provide suitable rooms for holding the recorder's court, at some convenient place within the city limits, and for the outlay incidental to the rental and current expenses of maintaining said rooms, he shall receive, in addition to his salary, the sum of two hundred dollars per annum, payable quarterly, out of the general fund of the city; the bills for said amount to be audited by the city council like other claims against the city: *Provided*, That the city council may, in their discretion, provide and maintain a courtroom at the expense of the city, in which case, the above mentioned sum shall not be paid to the recorder. The city shall furnish the necessary seal, blanks and dockets for conducting the court.

Recorder,  
duties and  
salary.

Proviso.

SEC. 2. Said recorder shall be an attorney at law, qualified as such under the laws of the State of Michigan. He shall be judge of the recorder's court, and shall assume the duties of his office on the second Monday in April next after his election, and shall hold his office for the term of four years next after said second Monday in April, and until his successor is elected and qualified.

Must be an  
attorney.

SEC. 3. Said recorder shall have jurisdiction of all cases involving fines, penalties, forfeitures, or imprisonment under the laws of the State of Michigan, and of bastardy cases arising within the city limits, to the same extent, in the same manner, and under the same practice as might a justice of the peace elected at a township election, including the jurisdiction given to justices of the peace in relation to the arrest and examination of persons charged with crime, except as otherwise provided in this act; and his court shall be set in motion and acquire jurisdiction of cases by the same proceedings as a justice of the peace. He shall also have concurrent jurisdiction with justices of the peace of Kalamazoo county of all such cases specified above as shall arise outside of the city limits, and within two hundred yards of said limits. He shall also have jurisdiction to hear, try, and determine all cases arising from the viola-

Jurisdiction.

Concurrent  
jurisdiction.

Special juris-  
diction.



	tion of the city ordinances, and also the special jurisdiction provided for in proceedings under the provisions of the charter of the city of Kalamazoo for the appropriation of private property for public purposes. He shall have the the same power to admit persons charged with crime to bail, that a justice of the peace has, and shall be a conservator of the peace. He shall not have power to grant new trials.
New trials.	
Adjournment.	SEC. 4. Whenever a defendant in any criminal proceedings before said court, shall voluntarily consent that his case may be adjourned for more than one week, said recorder shall not, by reason of such adjournment, lose jurisdiction of the same.
Writs, issue, return, and service of.	SEC. 5. All process and writs from said court shall be issued and returned in the same manner as writs and process from a justice, and may be served by the city marshal, any of his deputies, or by any officer authorized by the laws of the State to serve process issued by a justice of the peace; and it shall be the duty of all such officers to serve all writs from said recorder that may be placed in their hands, the same as if they were writs from a justice of the peace, and they shall be subject to like penalties for neglect of duty and refusal to act in the matter of said writs as if the same were issued by a justice of the peace.
Recorder's docket.	SEC. 6. Said recorder shall keep a docket, and shall enter thereon the records of all cases and proceedings brought before him, and shall make the same docket entries thereon that are required to be made by a justice in similar cases.
Recorder's clerk.	SEC. 7. Said recorder may be authorized by resolution of the city council to employ a clerk, and in such cases, the salary of said clerk shall be fixed by the council, or the council may, in their discretion, allow the recorder a fixed sum for clerk hire. Such clerk shall hold his office during the pleasure of the recorder.
Recorder's oath and bond.	SEC. 8. Previous to said recorder assuming the duties of his office, he shall go before the city clerk and take the oath of office prescribed in section one, of article eighteen, of the constitution of the State of Michigan, and shall file with the county treasurer a bond to the people of the State of Michigan, in the penal sum of one thousand dollars, with two sufficient sureties, to be approved by said treasurer, conditioned to faithfully pay over and account for to the proper officer, all public moneys coming into his possession, and shall be subject to the same laws and regulations in respect to said moneys as is a justice of the peace.
Recorder to pay over all fines, etc.	SEC. 9. Said recorder shall pay all moneys received by him for fines, penalties, and forfeitures, arising under the city ordinances, and not required by the constitution of the State of Michigan to be paid elsewhere, to the city treasurer upon the first business day of every month, and shall not be entitled to draw his salary until he has made such payment and filed with the city clerk a certificate stating that the payment made by him covers all such moneys which he has received since his last monthly payment, and also stating the sources from which they were received. He shall also enter on his docket in each case the amount of moneys in any way paid to him by reason of said case.
Docket entry.	



SEC. 10. Said recorder shall file such other bond to the city of Kalamazoo as shall be required of him by the city council. If said recorder shall wish to resign his office, he shall tender his resignation to the mayor of the city.

SEC. 11. A vacancy shall occur in the office of said recorder upon the happening of any of the events mentioned in compiler's section six hundred and seventeen of the compiled laws of the State of Michigan of eighteen hundred and seventy-one. Whenever a vacancy shall occur in said office, it shall be filled by appointment of the city council, which appointment shall hold good until the second Monday in April next after the election immediately following such appointment, and until the successor of the appointee is elected and qualified. In case a vacancy or a vacancy filled by appointment of the city council shall exist in the office of recorder at the time of any city election, there shall be elected at such election a recorder for the unexpired term of said office, who shall assume the duties of said office on the second Monday in April following his election, and shall hold his office for the remainder of the original term, and until his successor is elected and qualified.

Vacancy in office.

SEC. 12. In case of the temporary absence or inability of said recorder to act, or in case of a vacancy existing in his office and for the time being not filled by election or appointment of the city council, the mayor of the city may designate any one of the justices of the peace of the city of Kalamazoo to act in his place until the recorder shall be able to assume his duties, or the vacancy be filled; and said justice when so acting shall have the same jurisdiction and be subject to all the requirements of this act in the same manner as if he were in fact recorder.

Justice may act in place of Recorder in certain cases.

SEC. 13. After the recorder shall have entered upon the duties of his office, justices of the peace of the township and of the city of Kalamazoo shall exercise no jurisdiction in the class of cases herein provided to be brought in said recorder's court, except by designation as above, and except during the time that a vacancy unfilled by appointment shall exist in said office and while the mayor of the city shall have failed to designate any justice to act in the recorder's place during the period of such vacancy. But during the period of such unfilled vacancy and failure to designate, justices of the peace of the city of Kalamazoo shall have and exercise jurisdiction of the cases in this act given to the recorder, the same as if this act had never been passed. In case any proceeding or case under this act in any of the foregoing instances be commenced before a justice of the peace, he shall retain jurisdiction of it to the end and completion of the same.

Jurisdiction of recorder.

SEC. 14. An appeal or writ of *certiorari* shall be allowed to remove all proceedings in said recorder's court to the circuit court of the county of Kalamazoo in the same manner, and subject to like rules as appeals and writs of *certiorari* are allowed by the laws of the State of Michigan from criminal proceedings before justices of the peace: *Provided*, That in cases brought in said court under the provisions of the charter of the city of Kalamazoo for the appropriation of private property for public purposes, such cases or proceedings shall be removed to the appellate courts only in the manner in said charter provided.

Appeal or certiorari.

Proviso.

Salary of recorder.

SEC. 15. The said recorder shall receive for his services a salary of one hundred and twenty-five dollars per month, payable out of the general fund, the account for the same to be audited by the city council, like other claims against the city. All moneys paid into the city treasury by the recorder shall be placed to the credit of the general fund. Any justice of the peace acting as recorder shall receive the sum of three dollars per day for each day of actual time spent in the performance of the duties of the office, to be audited and paid in the same manner as the recorder's salary, but two persons shall not receive salary as recorder for the same space of time.

Salary of justice acting for recorder.

Jurors.

SEC. 16. The supervisor of each ward, on the second Monday in July and January of each year, or if that be a legal holiday, on the day following, shall make and file with said recorder a list of twenty names of persons residing in his said ward not exempt from serving on juries, and qualified to serve as jurors in courts of record, and whose business renders them likely to remain permanently at home. Said names shall be written on separate slips of paper, and placed by the recorder in a box to be kept for that purpose. The people, city, or any party to a suit or proceedings before said recorder shall be entitled to a trial by jury of six jurors on making an oral demand for the same before the trial is entered upon: *Provided*, That in proceedings under the provisions of the charter of the city of Kalamazoo for the appropriation of private property for public purposes the jury shall be selected in the manner in said charter provided. In all cases where a jury is not demanded by either party, said recorder shall have jurisdiction to try, hear, and determine the issue without a jury. If the supervisors, or any of them, shall not file said names on the days above mentioned, they shall do so as soon as may be afterwards, and jurors shall be drawn from the old panel until the new one is filed and completed.

Proviso.

Drawing of jury.

SEC. 17. Upon a jury being demanded by either party, the recorder or his clerk shall, in the presence of both parties, draw from said box eighteen names, in the same manner that the county clerk is required to draw the names of jurors from the box upon the trial of causes in the circuit court, and from the eighteen names so drawn each party shall be entitled to reject six. Should either party refuse to reject six names from the list so drawn, the recorder or his clerk shall make such rejection. A *venire* in the same form as a *venire* issued by a justice of the peace shall be issued by said recorder to some officer qualified to serve process from said court, commanding such officer to summon the six remaining persons to appear before said recorder to form a jury for the trial of said case. The persons so summoned and appearing shall be subject to challenge in the same manner as a jury summoned in courts of record. In case any of said original six shall not appear, or shall be excused for good cause from serving by the recorder, or for any reason shall not sit upon said case, said recorder shall issue an order to the officer to summon talesmen to complete said panel. To the talesmen so summoned each party shall be entitled to make the same challenges as in courts of record, and sufficient talesmen shall be summoned to complete the panel of six. The jury shall then be sworn and the trial proceed in the same manner as jury trials before a justice of the peace.

Venire.

Talesmen.

SEC. 18. Persons summoned as jurors and witnesses before said recorder, may be compelled by said recorder to appear and serve or testify, and shall be subject to like penalties for not appearing and serving or testifying as if said recorder were a justice of the peace, and they were summoned before him. The powers of the recorder to compel such attendance, and to punish persons for contempt of court, shall be the same as those exercised under State laws by justices of the peace.

Power to compel the attendance of witnesses.

SEC. 19. Officers, jurors, and witnesses serving or testifying in said court, shall receive the same fees, payable in like manner out of the county treasury, as officers and jurors serving and witnesses testifying before a justice of the peace, except when they shall serve in cases where the fine or penalty, if any were imposed, would be paid into the city treasury; and in such cases they shall receive the same fees as before, but payable by the city out of the general fund, upon the voucher of the recorder that the services have been rendered.

Officers, jurors, and witnesses fees.

SEC. 20. Said recorder shall receive no fees for the services specified in this chapter, except his salary.

Recorder allowed no fees.

SEC. 21. After a jury has been drawn, the recorder shall return the names drawn out of the jury box, and each succeeding jury shall be drawn from a full box: *Provided*, That any juror who has served twice in the same three months, or four times in any one year, in said court, shall be excused from again serving as a juror in said court during the same year, if he shall so desire. The year last above mentioned shall be deemed the year commencing with the second Monday in April. On receiving new lists from the supervisors at the end of every six months, the recorder shall withdraw all names in the box, and supply it with the names from the new lists returned written as before.

Jury to be drawn from a full box.

Provido.

Proceedings on receiving new list.

SEC. 22. Whenever in this act the laws of the State of Michigan are referred to in relation to justices of the peace, and proceedings before them for the purpose of conferring like powers and jurisdiction on the recorder, and creating similar appellate proceedings from his court, the laws of the State of Michigan as they existed previous to the session of eighteen hundred and eighty-two eighteen hundred and eighty-three shall govern; and such reference shall be deemed made to such general laws as relate to justices of the peace, and not to city justices created by the charter of the city of Kalamazoo, except when such city justices are particularly named.

Reference to laws previous to 1882, '83.

SEC. 23. Said recorder shall have a seal of office, and copies of all official records kept by him, duly certified by him under seal, to be correct, shall be received in evidence, without further proof, in all courts of this State. But the recorder's having a seal shall not be deemed to make his court a court of record within the meaning of section twenty-eight of article six of the constitution of the State of Michigan.

Seal, certified copies.

Not a court of record.

SEC. 24. Said recorder shall have the same jurisdiction to impose fines, penalties, forfeitures, and to sentence to imprisonment and issue the proper commitments, in cases brought before him under the State laws as a justice of the peace has in similar cases, and shall have jurisdiction to impose all fines, penalties and forfeitures, and

Jurisdiction to impose fines, etc.

to sentence to imprisonment and issue the proper commitments in cases arising under the city ordinances.

Same jurisdiction as justice.

Criminal and civil jurisdiction.

SEC. 25. He shall also have all power, authority, and jurisdiction within the city limits which a justice of the peace has in criminal cases under the general laws of the State, except as in this act otherwise provided, or when the provisions of this act are inconsistent therewith. In all actions under the city ordinances, said recorder shall be vested with both the criminal and civil jurisdiction given by State laws to justices of the peace, except that in cases of jury trials, the jury shall be drawn as provided in this act.

Acts repealed.

Recorder heretofore elected not affected by.

SEC. 26. All acts and parts of acts inconsistent with this act are hereby repealed. All acts heretofore done under and by virtue of chapter sixteen of Act number three hundred and thirty-seven of the local acts of the Legislature of the State of Michigan, passed at the regular session of eighteen hundred and eighty-three are hereby declared valid, and nothing in this act contained shall affect the term or title to the office of the recorder heretofore elected by the city of Kalamazoo.

SEC. 27. This act is ordered to take immediate effect.

Approved April 2, 1885.

[No. 35.]

AN ACT to organize the county of Iron and the townships of Bates and Mastodon, in said county of Iron.

Territory designated.

SECTION 1. *The People of the State of Michigan enact*, That surveyed townships numbered forty-two (42) north, of ranges twenty-eight (28), twenty-nine (29), and thirty (30) west, and townships numbered forty-three (43) north, of ranges twenty-eight (28), twenty-nine (29), and thirty (30) west, and townships forty-two, forty-three, and forty-four north, of ranges thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, and thirty-seven west, and townships forty-five and forty-six north, of ranges thirty-five, thirty-six, and thirty-seven west, be and the same hereby are detached from the county of Marquette, and that fractional township number forty-one north, of ranges thirty-one, thirty-two, and thirty-three west be and the same hereby are detached from the county of Menominee, and the territory so detached from the said counties of Marquette and Menominee is hereby organized into a county to be known and designated as the county of Iron.

Temporary county seat.

SEC. 2. The temporary county seat of said county is hereby located at the village of Iron River, and shall be and remain the county seat until the permanent county seat of said county shall be fixed as hereinafter provided.

Permanent county seat.

SEC. 3. The permanent county seat of said county shall be fixed and determined at the next general State election, when there shall be written or printed, or partly written and partly printed on the ballots to be then and there polled by the qualified electors of said county, the words "for county seat," and thereafter the name of one place, and the place which shall receive the highest number of votes cast at said election shall be the permanent county seat of said county of Iron.

Form of ballots.

SEC. 4. The canvassers of the votes of the election for the location of the county seat shall consist of persons appointed on the day of such election by the several boards of township inspectors, and said board of canvassers shall meet on the second Tuesday succeeding said election, in the village of Iron River, in the county aforesaid, and shall appoint one of their number chairman, and one of their number secretary, and shall proceed to canvass the votes for the location of said county seat; and it shall be the duty of the secretary of said board to file a certificate of the number of votes cast for each location voted for, for said county seat, and a certificate of the place designated and selected by said votes, signed and certified by himself as secretary, and countersigned by the chairman, with the Secretary of State, and with the township clerks of the several townships of said county.

Canvassers.

Appointed by.

Meeting of.

Canvass of votes.

Certificates.

To be filed with township clerks.

SEC. 5. Each and all of the several county officers of said county of Iron shall be appointed by the Governor, and when duly qualified shall enter into their several offices and proceed to discharge the duties thereof on and after the first day of August, eighteen hundred and eighty-five, and hold the same until the first day of January, eighteen hundred and eighty-seven, and until their successors are elected and qualified.

County officers appointed by Governor.

Term of.

SEC. 6. The county officers of Marquette and Menominee counties, respectively, shall exercise all the powers and perform all the duties now devolving upon them, in the territory taken from said counties, until the county officers of Iron county shall be appointed and qualified and entered upon the duties of their respective offices aforesaid.

Certain county officers to act prior to qualification of officers of Iron county.

SEC. 7. All suits or proceedings now pending, or that may be pending, on the first day of August next, before any court in the county of Marquette or Menominee, shall be prosecuted to final judgment and execution, and all taxes heretofore levied shall be collected in the same manner as though this act had not passed.

Suits pending.

Taxes heretofore levied.

SEC. 8. It shall be the duty of the several boards of inspectors in each township of said county to conduct the election authorized by the provisions of this act, and to make return thereof in accordance with the general provisions of law for conducting general elections in this State, so far as the same may be applicable thereto.

Duty of township inspectors as to election.

SEC. 9. That until the expiration of five years from and after this act shall take effect, the Board of Supervisors of said county of Iron shall not raise or expend for the rental or construction of county buildings, a sum of money in excess of six hundred dollars in any one year, except that money may be raised or expended for the rental or construction of a jail, or poor-house, in which event not to exceed the sum of fifteen hundred dollars shall be raised or expended for either or both of the last named purposes within any one year.

Expense of county buildings.

Jail, poor-house.

SEC. 10. The sheriff and county clerk appointed under the provisions of this act shall provide a place in the village of Iron River for holding the circuit court of said county, and also suitable places in said village for the county offices, until the said Board of Supervisors shall provide for the same.

Provision to be made for holding circuit court.

County offices.

SEC. 11. The surveyed townships number forty-two north, of ranges thirty-one, thirty-two, and thirty-three west are hereby

Territory taken to form township of Mastodon.



detached from the township of Crystal Falls, and surveyed townships forty-one north, of ranges thirty-one, thirty-two, and thirty-three west, are hereby detached from the township of Breitung, in the county of Menominee, and the territory so detached from said townships of Crystal Falls and Breitung, is hereby organized into a township, to be known as the township of Mastodon, in said county of Iron.

Election of  
officers, town-  
ship of Masto-  
don.  
Place of.

Inspectors of.

Organization  
township of  
Bates.

Election  
officers.

Place.

Inspectors.

Addition to  
township Iron  
River.

Judicial circuit.  
Congressional  
district.

Transcript of  
records.

Expense of.

Pay of county  
officers.

Body corporate.

Acts non ope-  
rative.

SEC. 12. The first election for township officers in said township of Mastodon, organized under this act, shall be held at the office of Hughitt & McIntyre, in said township of Mastodon, on the second Monday in July, eighteen hundred and eighty-five. The inspectors of said election shall consist of Daniel McIntyre, Harry Roberts, and P. C. Butts.

SEC. 13. The surveyed townships forty-two, forty-three, and forty-four north, of range thirty-four west, the north half of surveyed township forty-four north, of range thirty-five west, are hereby detached from the organized township of Iron River, and surveyed townships forty-five and forty-six north, of ranges thirty-five and thirty-six west, are hereby detached from the organized township of Republic, and the territory so detached from said townships of Iron River, and Republic is hereby organized into a township, to be known and designated as the township of Bates, in said county of Iron.

SEC. 14. The first election for township officers in said township of Bates, organized under this act, shall be held at the house occupied by Olof Helgemo, in said township, on the second Monday in July, eighteen hundred and eighty-five. The inspectors of said election shall consist of Olof Helgemo, Alexander Leclaire, and Andrew Peterson.

SEC. 15. The surveyed townships forty-five and forty-six north, of range thirty-seven west, are hereby detached from the organized township of Republic and annexed to the township of Iron River.

SEC. 16. The said county of Iron shall be in the twenty-fifth judicial circuit, and the eleventh congressional district.

SEC. 17. The register of deeds of said county of Iron shall make or cause to be made a transcript of all records in other counties which are necessary to be upon the records of said county of Iron, and the Board of Supervisors of said county shall, within one year after the first meeting of the board, make provision for defraying the expenses of the same.

SEC. 18. There shall not be paid to the officers of said county, and each and all of them in the aggregate, a sum in excess of two thousand dollars per annum for the five years next ensuing.

SEC. 19. Said county is hereby created and declared a body corporate, with all the powers and duties conferred upon or required of organized counties by the constitution and laws of this State.

SEC. 20. All acts and parts of acts contravening the provisions of this act, are hereby declared inoperative and void within the county of Iron hereby organized.

Approved April 3, 1885.



## [No. 36.]

AN ACT to amend section ten of act number one hundred and sixty-four, of the public acts of eighteen hundred and seventy-seven, approved May twenty-first, eighteen hundred and seventy-seven, being an act entitled "An act to authorize cities, incorporated villages, and townships, to establish and maintain free public libraries and reading rooms," being section fifty-one hundred and eighty-four, of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section ten of chapter one hundred and ninety-seven, of Howell's Annotated Statutes of Michigan, being compiler's section five thousand one hundred and eighty-four, approved May twenty-first, eighteen hundred and seventy-seven, be amended to read as follows: Section amended.

SEC. 10. When fifty voters of any incorporated village or township shall present a petition to the clerk of the village, or township, asking that a tax may be levied for the establishment of a free public library, in such village or township, and shall specify in their petition a rate of taxation, not to exceed one mill on the dollar, such clerk shall, in the next legal notice of the regular annual election in such village or township, give notice that at such election every voter may vote "for a mill tax, for a free public library," or "against a mill tax, for a free public library," specifying in such notice the rate of taxation mentioned in such petition; and if the majority of all the votes cast in such village or township shall be for the tax for a free public library, the tax specified in such notice shall be levied and collected in like manner with other general taxes of said village or township, and shall be known as the "library fund;" and when such free public library shall have been established, and a board of directors elected and qualified, as hereinafter provided, it shall be the duty of such board of directors, on or before the first Monday of September in each year, to prepare an estimate of the amount of money necessary for the support and maintenance of such library for the ensuing year, not exceeding one mill on the dollar of the taxable property of such village or township, and report such estimate to the assessor of such village, or the supervisor of such township, for assessment and collection, the same as other village or township taxes, and the same shall be so assessed and collected; and the corporate authorities of any such villages or townships may exercise the same powers conferred upon the corporate authorities of cities under this act. Petition for tax levy for village, etc., library.

Vote on.

Further proceeding.

Approved April 9, 1885.

## [No. 37.]

AN ACT to repeal act one hundred and twenty-two, of the session laws of eighteen hundred and sixty-nine, entitled "An act to amend sections one and three of act number seventy-six, of the session laws of eighteen hundred and sixty-seven, being an act entitled 'An act to provide for the appointment of a commissioner

to be known as the Swamp Land State Road Commissioner, approved March twenty-first, eighteen hundred and sixty-seven,'” also, act one hundred and eighty-two, of the session laws of eighteen hundred and seventy-five, entitled “An act to amend sections one and seventeen of an act to create a board of State Swamp Land Commissioners, and to repeal act seventy-six, of the session laws of eighteen hundred and sixty-seven, being sections forty hundred and three to forty hundred and nineteen, both inclusive, of the compiled laws of eighteen hundred and seventy-one,” and the several acts amendatory thereof, and to transfer the duties of said office to the commissioner of the State land office.

Acts repealed.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and twenty-two, of the session laws of eighteen hundred and sixty-nine, entitled “An act to amend sections one and three of act number seventy-six, of the session laws of eighteen hundred and sixty-seven, being an act entitled ‘An act to provide for the appointment of a commissioner to be known as the Swamp Land and State Road Commissioner, approved March twenty-first, eighteen hundred and sixty-seven,’” also act one hundred and eighty-two, of the session laws of eighteen hundred and seventy-five, entitled “An act to amend sections one and seventeen, of an act to create a board of State Swamp Land Commissioners, and to repeal act seventy-six of the session laws of eighteen hundred and sixty-seven, being sections four thousand and three to four thousand and nineteen, both inclusive, of the compiled laws of eighteen hundred and seventy-one,” and the several acts amendatory thereof, be and the same are hereby repealed.

Swamp Land  
Commissioner  
succeeded by  
Commissioner  
Land Office.

Records.

SEC. 2. The duties heretofore devolving upon the State Swamp Land Commissioner shall be performed by or under the direction of the commissioner of the State land office, who is hereby made the custodian of all the books, files, and records of the office of the State Swamp Land Commissioner hereby abolished. He shall provide [provide] suitable books and records, in which shall be kept the accounts with all contractors, bonds, profiles, diagrams, surveys, letters, requests, applications, papers, and memoranda of information relating to the construction of any or all State swamp land roads or ditches.

SEC. 3. This act is ordered to take effect July first, eighteen hundred and eighty-five.

Approved April 9, 1885.

[No. 38.]

AN ACT to amend section five, chapter one hundred sixty of the compiled laws of eighteen hundred seventy-one, being section five thousand nine hundred sixty-seven of Howell's Annotated Statutes relative to the partition and distribution of estates.

SECTION 1. *The People of the State of Michigan enact*, That section five of chapter one hundred sixty of the compiled laws of

eighteen hundred seventy-one, compiler's section four thousand four hundred ninety-nine, being section five thousand nine hundred sixty-seven of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

(§5967  $\frac{2095}{4499}$ ). SEC. 5. When the estate, real or personal, assigned to two or more heirs, devisees or legatees, shall be in common and undivided, and the respective shares shall not be separated and distinguished, partition and distribution may be made by three discreet and disinterested persons, to be appointed commissioners for that purpose by the probate court, who shall be duly sworn to the faithful discharge of their duties before any person authorized by law to administer oaths, and the judge of probate shall issue a warrant to them for that purpose.

Undivided estates.

Appointment of commissioners for partition.

Approved April 9, 1885.

[No. 39.]

AN ACT to regulate the employment of children, young persons, and women, in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That no child under the age of ten years, shall be employed in any factory, warehouse, or workshop where the manufacture of any goods whatever is carried on, or where any goods are prepared for manufacturing.

Children under ten years.

SEC. 2. No child under the age of fourteen years shall be employed by any person to labor in any business, unless such child shall have attended some public or private day school, where instruction was given by a teacher qualified to instruct in such branches as are usually taught in primary schools, at least four months of the twelve months next preceding the month in which such child shall be so employed, except in districts in which only three months of school are taught by a qualified teacher: *Provided*, That a certificate of such attendance from the superintendent of the school, or the director of the school district in which such child shall have so attended school, shall be evidence of a compliance with the provisions of this section, if acted upon by the employer in good faith. If any such superintendent or director shall knowingly make a false certificate, he shall be deemed guilty of a violation of this act, and shall be liable to the punishment hereinafter provided.

Under 14 years attendance at school required.

Proviso.

False certificate.

SEC. 3. Certificates given under the preceding section shall be deposited with the employer, at the time of employing any such child, and shall be kept by him on file in his office, and shall, at all times, be subject to inspection by the persons authorized to make inspections under this act.

Disposition of certificates.

Inspection of.

SEC. 4. No child, or young person under the age of eighteen years, and no woman, shall be employed in any factory, warehouse, workshop, or place where the manufacture of any kind of goods is carried on, or where any goods are prepared for manufacturing, for

Under 18 years, limitation 10 hours.

Dinner hour.	a longer period than an average of ten hours in a day, or sixty hours in any week, and at least one hour shall be allowed in the labor period of each day for dinner.
Seats for female employes.	SEC. 5. Every person, who shall employ any female, in any factory, warehouse, workshop, store, or hotel shall provide suitable seats for the use of the females so employed, and shall permit the use of such seats by them, when they are not necessarily engaged in the active duties for which they are employed.
Penalty for violation of this act.	SEC. 6. Any person, company, or corporation who shall violate any of the provisions of this act, shall, for each offense, forfeit a penalty of fifty dollars, to be recovered before any competent court.
Enforcement of this act, by Sup't of police, required.	SEC. 7. In all cities it shall be the duty of the superintendent, or chief officer of police, by suitable inspections, to see that the regulations of this act are observed, and also to prosecute all persons who shall violate the same. Such superintendent, or chief officer of police, shall detail such portion of the force under him as he shall deem necessary, for the inspection, from time to time, of all the aforesaid places where such children or young persons may be employed. In towns the supervisors thereof shall perform the duties above imposed on the superintendent, or chief officer of police in cities.
Inspection of factories, etc.	
Duty of supervisors.	
Directors of corporations liable to penalties. Provided.	SEC. 8. The directors of any corporation which shall wilfully neglect or refuse to obey the provisions of this act, shall each be liable to the penalties of this act: <i>Provided</i> , That the provisions of this act shall not apply to any of the penal, reformatory, or benevolent institutions of this State.
	Approved April 10, 1885.

## [No. 40.]

AN ACT to amend compiler's section sixty-two hundred and seventeen of the compiled laws of eighteen hundred seventy-one, relative to service of process in the action of ejectment, being section seventy-eight hundred and one of Howell's Annotated Statutes of Michigan.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen of chapter one hundred and ninety-five, being compiler's section sixty-two hundred and seventeen of the compiled laws of eighteen hundred seventy-one, being section seventy-eight hundred and one, of Howell's Annotated Statutes, be and the same is hereby amended so that the same shall be and read as follows:

Service of declaration when premises are unoccupied.

SEC. 14. If the defendant or any defendant named in such declaration, shall not occupy the premises claimed in the declaration, such declaration and notice shall be served upon such defendant personally if such defendant can be found within this State, and such service may be made in any part thereof; and in case such defendant does not reside within this State, or cannot be found therein, then, on proof by affidavit of either of these facts, the court may make an order for the appearance of such defendant at some future

Order for appearance of non-resident defendants.

day, not more than six months from the date thereof. Such order shall be published once in each week for six successive weeks, in some newspaper to be designated by the court, or be personally served on such absent, concealed, or non-resident defendant, such publication to be completed, or such proof and service to be made at least twenty days before the time limited for appearance of such defendant.

Approved April 10, 1885.

[No. 41.]

AN ACT to provide for the partition of real estate in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That when any person shall have deceased having title to any lands in this State, and proceedings have been taken in the probate court of the county in which said lands or any part thereof are located, to adjudicate and determine who are or were the legal heirs of said deceased person, and entitled to the lands of which he died seized, and it has been ascertained that said lands, or any part thereof, are owned in common and undivided by two or more persons, any one of whom is a minor or incompetent person, partition of said land so held in common may be made upon the petition of any person interested, or the guardian of any such minor or incompetent person, in the same manner as provided by law for the partition of real estate assigned to two or more heirs or devisees.

Proceedings to determine heirs.

Undivided real estate property of minors, partition of to be made, etc.

Approved April 10, 1885.

[No. 42.]

AN ACT to make an appropriation for the support of the State Agricultural College, for the erection and repair of buildings, and other improvements at the said college.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury seven thousand four hundred and eighty-six dollars for the department of veterinary, five thousand dollars for a building to be used as an assembly room, military, drill, armory and lecture purposes, and one thousand two hundred and ninety-five dollars for the greenhouse; said amounts in this section aggregating thirteen thousand seven hundred and eighty-one dollars, the first two items to be paid during the year one thousand eight hundred and eighty-five, the third item one-half in eighteen hundred eighty-five, and one-half in eighteen hundred eighty-six.

Appropriations for veterinary, building drill room, etc., greenhouse.

SEC. 2. There shall be and is hereby appropriated out of the State treasury four thousand eight hundred and ten dollars for the farm department, four hundred and thirty-two dollars for the horticultural department, two thousand five hundred dollars for the chemical department, eight hundred dollars for the botanical department,

Farm.

Horticulture.

Chemical.

Botanical.



Zoological. fifteen hundred dollars for the zoölogical department; three thousand  
 Repairs. one hundred and forty-seven dollars for repairs of buildings, four  
 Mathematical. hundred and fifty dollars for the mathematical department, seventeen  
 thousand dollars for workshop equipments and other expenses for a  
 Mechanical. mechanical department, three thousand three hundred dollars for  
 Library. the library, one thousand four hundred dollars for the steam works,  
 Steam works. six hundred dollars for farmers' institutes, and eight thousand dol-  
 Institutes. lars for students' labor; said amounts embraced in this section aggre-  
 Students' labor. gating forty-three thousand nine hundred and thirty-nine dollars, to  
 When and how be paid, one-half of the same in the year one thousand eight hun-  
 paid. dred and eighty-five, and one-half in the year one thousand eight  
 hundred and eighty-six; which said moneys provided for in this act,  
 or so much thereof as may be necessary, shall be expended under the  
 direction of the State Board of Agriculture for the purposes afore-  
 said and shall be drawn from the treasury on presentation of the  
 proper certificates of said board to the Auditor General, and on his  
 warrant to the State Treasurer.

Tax levy for. SEC. 3. There shall be assessed upon the taxable property of the  
 State in the year one thousand eight hundred and eighty-five the  
 sum of thirty-five thousand one hundred and three dollars, and in  
 the year one thousand eight hundred and eighty-six, twenty-two  
 thousand six hundred and seventeen dollars, to be assessed and  
 levied in like manner as other taxes are assessed, levied, and paid;  
 which tax, when collected, shall be credited to the general fund to  
 reimburse to the same the sums to be drawn therefrom as provided  
 for in this act.

Ordered to take immediate effect.

Approved April 10, 1885.

[No. 43.]

AN ACT to amend section two, of chapter one hundred and nine,  
 of the revised statutes of eighteen hundred and forty-six, being  
 section six thousand two hundred sixty-seven, of the compiled laws  
 of eighteen hundred and seventy-one, relative to partition of lands  
 owned by several persons.

Section  
 amended.

SECTION 1. *The People of the State of Michigan enact*, That sec-  
 tion two, of chapter one hundred and nine, of the revised statutes  
 of eighteen hundred and forty-six, being section six thousand two  
 hundred sixty-seven, of the compiled laws of eighteen hundred and  
 seventy-one, be and the same is hereby amended so as to read as  
 follows :

Suits, how  
 instituted.

(6267.) SEC. 2. Any one or more of the persons so holding lands,  
 may institute a suit in the circuit court for the county in which the  
 lands lie, by a bill in equity, for a division, or partition thereof,  
 according to the respective rights of the parties interested therein,  
 and for the sale of such premises, if it shall appear that the partition  
 thereof cannot be made without great prejudice to the owners. In  
 case such lands are situated in different counties, the suit may be insti-  
 tuted in the circuit court for any one of the counties in which any

If land is in  
 different coun-  
 ties.



part of such lands may be situated, and such court shall have complete jurisdiction in the premises as fully and effectually as if the whole of such lands were situated in the county in which the suit is instituted.

Approved April 15, 1885.

[No. 44.]

AN ACT to amend section two of an act entitled "An act to authorize the formation of county and town agricultural societies," approved February twelfth, eighteen hundred and fifty-five, and amended by act two hundred and twenty-eight, of laws of eighteen hundred and eighty-one, being section two thousand one hundred and sixty-nine, of the compiled laws of eighteen hundred and seventy-one, the same being section two thousand three hundred and four, of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act entitled "An act to authorize the formation of county and town agricultural societies," approved February twelfth, eighteen hundred and fifty-five, and amended by act two hundred and twenty-eight, of the laws of eighteen hundred and eighty-one, being compiler's section two thousand one hundred and sixty-nine, of the compiled laws of eighteen hundred and seventy-one, the same being section two thousand three hundred and four, of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 2. Upon filing such articles of association as aforesaid, the persons who shall have signed the same, and their associates and successors, shall thereupon, and by virtue of this act become a body politic and corporate, by the name stated in such articles: *Provided*, No two societies shall assume the same name, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, and they and their successors may have and use a common seal, which they may alter and change at pleasure, and they and their successors, by their corporate name, shall, in law, be capable of purchasing and holding, taking and receiving, by gift, devise, or otherwise, exempt from taxation, real estate for the purpose of their incorporation, but for no other purpose, including, however, a farm, or farming lands, not exceeding one hundred and sixty acres of land, for the use and benefit of such incorporation, for the purpose of experimenting in the various branches of agriculture, horticulture, and stock-raising, to an amount not exceeding the sum of fifty thousand dollars in value, if a county or district society, and ten thousand dollars if a town, village, or city society, and of personal estate for a like purpose, to an amount not exceeding twenty thousand dollars, if a county or district society, and five thousand dollars if a town, village, or city society, and they may make all necessary by-laws for the management of such societies, not inconsistent with the laws of this State, or of the United States. Body corporate and politic.  
Exemption from taxation.

Approved April 15, 1885.

## [No. 45.]

AN ACT to amend section one, of act ninety-four, of the session laws of eighteen hundred and eighty-three, entitled "An act to insure payment of wages earned, and for materials used in constructing, repairing, or ornamenting public buildings and public works."

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That section one, of act ninety-four, of the session laws of eighteen hundred and eighty-three, entitled "An act to insure the payment of wages earned, and for materials used in constructing, repairing, or ornamenting public buildings and public works," be and is hereby amended so as to read as follows :

Public works.

SECTION 1. *The People of the State of Michigan enact*, That when public buildings, or other public works or improvements are about to be built, repaired, or ornamented under contract, at the expense of this State, or of any county, city, village, township, or school district thereof, it shall be the duty of the board of officers, or agents, contracting on behalf of the State, county, city, village, township, or school district, to require sufficient security by bond, for the payment by the contractor, and all sub-contractors, for all labor performed, or materials furnished in the erection, repairing, or ornamenting of such building, works, or improvements.

Bond required  
for payment of  
labor.

Approved April 15, 1885.

## [No. 46.]

AN ACT to amend an act entitled "An act to provide for the incorporation of institutions of learning," approved February ninth, eighteen hundred fifty-five, being chapter one hundred and thirty-eight of Howell's Annotated Statutes of the State of Michigan, as amended by act number seventy-seven of the session laws of eighteen hundred eighty-three.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That an act to provide for the incorporation of institutions of learning, approved February ninth, eighteen hundred fifty-five, being chapter one hundred and thirty-eight, Howell's Annotated Statutes of the State of Michigan, as amended by act number seventy-seven of the session laws of eighteen hundred eighty-three, relative to the incorporation of institutions of learning, be and the same is hereby amended by adding the following sections thereto:

Colleges, etc.,  
consolidation  
of.

SEC. 13. Any two or more colleges, seminaries, academies, or other institutions of learning, organized and existing under the provisions of this act and the amendments thereto, may combine and become consolidated into a single corporation by vote or resolution of the holders of a majority of the stock in each, which vote may be cast by stockholders in person, or by proxy, at a meeting of each corporation to be called for that purpose. Copies of which votes or resolutions, and the record of proceedings of such meetings, signed by

the presiding officer and secretary of such meeting, and verified by their affidavits, shall be filed in the office of the Secretary of State, and shall be *prima facie* evidence of the truth of their contents and the regularity of such proceedings. Upon filing such votes or resolution and the record of proceedings, verified as aforesaid, with an agreement setting forth the terms and basis of such consolidation, said corporations shall become one association under this act, to be known by such name as shall be given it in said agreement, and shall be entitled to all the rights, franchises, and privileges created or conferred by the provisions of said act and the amendments thereto, or which may be possessed by either of said consolidating corporations. Such new corporation shall be liable for all the debts of the consolidating corporations.

Proceedings to  
be filed with  
Sec'y of State.

Become one  
association.  
Name.

Franchises.

Liability.

SEC. 14. Such agreement shall contain:

Agreement to  
contain.

*First*, The terms of such consolidation, and the disposition of the corporate property of each of the consolidating corporations;

*Second*, The name of the association or corporation thereby formed, and the place where its business is to be established, and the period for which it is incorporated, not exceeding thirty years;

*Third*, The amount of its capital stock, and the proportionate amount thereof to be issued to the stockholders or members of the several consolidating corporations;

*Fourth*, The terms and conditions of membership in such consolidated corporation;

*Fifth*, The names of the members of the first board of trustees, which agreement shall be executed and acknowledged by the president and secretary of each of said consolidating corporations, being duly authorized thereto by the votes of the holders of a majority of the stock in each of said corporations, either in person or by proxy, and shall be filed as hereinbefore provided.

SEC. 15. The officers of said corporation shall consist of a president, vice president, secretary, treasurer, and a board of trustees; the number of said trustees and the duration of their office to be fixed and determined by the by-laws of said corporation.

Officers.

SEC. 16. The president, vice president, secretary, and treasurer of said corporation shall be chosen by the trustees thereof. The successors of the first board of trustees shall be chosen by the stockholders at a meeting regularly called pursuant to the by-laws of said corporation.

How chosen.

SEC. 17. The members or stockholders of each of the consolidating corporations shall be entitled to receive stock in the new consolidated corporation upon the same *pro rata* basis, the same to be fixed and determined by the agreement, to be executed and filed in the office of the Secretary of State, as provided in section thirteen.

Issuance of  
stock, new  
company.

This act is ordered to take immediate effect.

Approved April 15, 1885.

## [No. 47.]

AN ACT to amend section one of act number ninety-five, of the session laws of eighteen hundred seventy-three, compiler's section of Howell's compilation of laws of Michigan, number sixty-eight hundred and nine, being an act relative to the duties of judges of probate, in certain cases.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number ninety-five of the session laws of eighteen hundred seventy-three, being an act to define and regulate the duties of judges of probate in certain cases, and being compiler's section number sixty-eight hundred and nine of Howell's compilation of the statute laws of eighteen hundred eighty-two, be and the same is hereby amended to read as follows :

Notice to executors and guardians to render accounts, etc.

SECTION 1. It shall be the duty of the judge of probate of any county in this State to notify and require any person appointed executor or administrator of any estate or guardian of any minor children, or of any incompetent person within his county, whenever requested to do so by any person interested in said estate or next of kin of said minors or incompetent person, or by any surety on the bond of such person, to appear at his office and render unto him an accurate account of all moneys and other property in his hands as such executor, administrator, or guardian, and the proceeds and expenditure thereof.

Approved April 15, 1885.

## [No. 48.]

AN ACT to amend sections one, two, and three of chapter two hundred and sixty-three, of the compiled laws of eighteen hundred seventy-one, being continuous sections ninety-five hundred and eighty-three, ninety-five hundred and eighty-four, and ninety-five hundred and eighty-five, of Howell's Annotated Statutes of Michigan, of eighteen hundred eighty-two, relative to inquests on the view of dead bodies.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, and three of chapter two hundred and sixty-three, of the compiled laws of eighteen hundred seventy-one, being continuous sections ninety-five hundred and eighty-three, ninety-five hundred and eighty-four, and ninety-five hundred and eighty-five, of Howell's Annotated Statutes of Michigan, of eighteen hundred eighty-two, be and the same are hereby amended so as to read as follows:

Inquests, when to be held.

SECTION 1. Justices of the peace shall, subject to the provisions of this chapter, take inquests upon the view of the dead bodies of such persons as shall have come to their death suddenly, or by violence, and of such persons as shall have died in prison.

Petition for, and summons of jury.

SEC. 2. As soon as any justice of the peace shall have notice of the dead body of any person found or lying within the county, who

is supposed to have come to his death in any manner described in the preceding section and the petition of not less than five citizens of the township, city, or village, any one of whom shall not be a constable or deputy sheriff, in which the dead body may be lying, shall have been filed with said justice, praying that an inquest be had in such case, he shall forthwith summon six good and lawful men of the county to appear before him, at such place as he shall appoint, within said county.

SEC. 3. When the jurors thus summoned have appeared, the justice of the peace shall call over their names, and there, in view of the dead body, shall administer to them an oath or affirmation, in substance as follows: "You do solemnly swear (or affirm, as the case may be), that you will diligently inquire, in behalf of the people of this State, when, in what manner, and by what means, the person whose body lies here dead, came to his death, and that you will make a true inquest thereof, according to your knowledge and such evidence as shall be laid before you."

Roll call and  
oath of jury.

Approved April 15, 1885.

[No. 49.]

AN ACT for the relief of purchasers and settlers on swamp land, and to repeal act number one hundred and sixty-six, session laws of eighteen hundred and fifty-five, and act number one hundred and seventy-three, session laws of eighteen hundred and sixty-seven, the same being sections fifty-three hundred and eighty-six and fifty-three hundred and eighty-seven, Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That in all cases where lands have been in good faith previous to January first, eighteen hundred and eighty-five, entered under the pre-emption or homestead laws of the United States at any of the United States land offices in the State of Michigan and such entry has been afterwards set aside or cancelled in consequence of the lands so entered having been found to be State swamp lands, the person so entering such land or his heirs or assigns may at any time before said lands are sold to any other person on presentation of a certificate of such entry and cancellation from the register of the United States land office where such entry was originally made, to the commissioner of the State land office be entitled to purchase such lands of the State at the price of one dollar and twenty-five cents per acre—subject to the condition that such pre-emptor or homesteader shall not have any claim against the State for draining such lands, and provided that such lands shall not be offered for sale by the State until the expiration of two years after the same shall be patented to the State: *And provided further*, That any person making application under this act shall make proof satisfactory to the commissioner of the State land office, by affidavit or otherwise, that he has fully complied with the pre-emption or homestead laws of the United States up to the time he received notice of such cancellation.

Lands, U. S.,  
pre-empted.

If found to be  
State land.

Action for  
relief.

Proviso.

Idem.



## Acts repealed.

SEC. 2. Act number one hundred and sixty-six of the session laws of eighteen hundred and fifty-five, and act number one hundred and seventy-three, session laws of eighteen hundred and sixty-seven, being sections fifty-three hundred and eighty-six and fifty-three hundred and eighty-seven, Howell's Annotated Statutes, be and the same are hereby repealed.

This act is ordered to take immediate effect.

Approved April 16, 1885.

## [No. 50.]

AN ACT authorizing and empowering the trustees of the Michigan Asylum for the Insane to purchase a tract of land lying north and east of the land now owned by the State and occupied by the asylum, and also to erect a carpenter shop.

## Authority to purchase land.

SECTION 1. *The People of the State of Michigan enact*, That the trustees of the Michigan Asylum for the Insane are hereby authorized and empowered to purchase for the State of Michigan, and for the use and benefit of said asylum, a tract of land containing about nine acres, lying north and east of lands now belonging to the State, and occupied by said asylum, of which the following is a description:

## Description of.

Being a part of the north half of section twenty-one (21) in town two (2) south, of range eleven (11) west, described as commencing on the west line of Asylum avenue, at the north line of land owned by the State of Michigan, and occupied by the Michigan Asylum for the Insane, and running thence north twenty-four and three-quarters degrees ( $24\frac{3}{4}^{\circ}$ ) east, along the west line of said avenue nine (9.00) chains, thence north sixty-six and one-half degrees ( $66\frac{1}{2}^{\circ}$ ) west six (6.00) chains, thence south twenty-three and three-quarters degrees ( $23\frac{3}{4}^{\circ}$ ) west four (4.00) chains, thence north sixty-six and one-half degrees ( $66\frac{1}{2}^{\circ}$ ) west six (6.00) chains, thence south twenty-three and three-quarters degrees ( $23\frac{3}{4}^{\circ}$ ) west five and forty hundredths (5.40) chains, thence south eighty-two and one-half degrees ( $82\frac{1}{2}^{\circ}$ ) east two and fifty-nine hundredths (2.59) chains, thence south fifty-two degrees ( $52^{\circ}$ ) east one and three hundredths (1.03) chains, thence south sixty-six and one-half degrees ( $66\frac{1}{2}^{\circ}$ ) east eight and fifty hundredths (8.50) chains to the place of beginning, being all the land owned by J. B. Trowbridge, bounded on the north by the premises occupied by Adam Ohier and Henry Montague, on the east by Asylum avenue, on the south by the asylum grounds, and on the west by said grounds and the land of Adam Ohier aforesaid, for a

## Price to be paid.

## Carpenter shop.

## Limitation of cost.

## Money appropriated.

sum not exceeding four thousand dollars; and the said trustees are further authorized to erect a carpenter shop in connection with said asylum, at a total cost of not exceeding three thousand dollars; said amounts to be paid out of any funds under the control of said asylum, not otherwise appropriated.

This act is ordered to take immediate effect.

Approved April 16, 1885.



## [No. 51.]

AN ACT to authorize the Board of State Auditors to audit the claim of Edgar C. Webber, Quartermaster Sergeant of Company D, third regiment of Michigan State troops, for injuries received by him from an accidental gunshot wound while engaged in the line of his duties at the State military encampment of eighteen hundred eighty-three, and to pay the same.

SECTION 1. *The People of the State of Michigan enact*, That the Board of State Auditors shall, as soon as practicable after the passage of this act, proceed to audit the claim of Edgar C. Webber, Quartermaster Sergeant of Company D, third regiment of Michigan State troops, for compensation for injuries received by him from accidental gunshot wound while in the discharge of his duties at the State encampment in August, eighteen hundred eighty-three. To that end said Board of Auditors shall take such evidence as to the extent of the injury received and the amount of compensation that shall be just and equitable, as to them shall seem necessary. Claim of E. C. Webber.  
To take evidence.

SEC. 2. When said board shall have ascertained and fixed the amount of compensation to be paid, it shall draw its order upon the State Treasurer for said amount, payable to the order of said Edgar C. Webber, and it shall be the duty of the State Treasurer, upon the presentation of such order, duly signed by the chairman of the Board of State Auditors and countersigned by the secretary of such board, to pay the same out of any moneys not otherwise appropriated. Order for payment.

Approved April 16, 1885.

## [No. 52.]

AN ACT to amend sections ten, eleven, twelve, thirteen, fourteen, sixteen, seventeen, twenty-one, twenty-two, and twenty-three of chapter fifty of Howell's Annotated Statutes of Michigan for the year eighteen hundred and eighty-two, relating to the State public school for dependent and neglected children, being compiler's sections nineteen hundred and seventy-one, nineteen hundred and seventy-two, nineteen hundred and seventy-three, nineteen hundred and seventy-four, nineteen hundred and seventy-five, nineteen hundred and seventy-seven, nineteen hundred and seventy-eight, nineteen hundred and eighty-one, nineteen hundred and eighty-two, nineteen hundred and eighty-three, and to add a new section thereto which shall be known as section eighteen.

SECTION 1. *The People of the State of Michigan enact*, That sections ten, eleven, twelve, thirteen, fourteen, sixteen, seventeen, twenty-one, twenty-two, and twenty-three of chapter fifty of Howell's Annotated Statutes of Michigan for the year eighteen hundred and eighty-two, being compiler's numbers nineteen hundred and seventy-one, nineteen hundred and seventy-two, nineteen hundred and seventy-three, nineteen hundred and seventy-four, nineteen hundred and Sections amended.

seventy-five, nineteen hundred and seventy-seven, nineteen hundred and seventy-eight, nineteen hundred and eighty-one, nineteen hundred and eighty-two, nineteen hundred and eighty-three, be amended so as to read as follows, and that a new section be added thereto to be known as section eighteen :

**Board to meet.** **Officers of.** **Treasurer's bond.** **Board to establish rules, etc.** **Appoint officers, etc., of school.** **Tenure of office.** **Salaries.**

**SEC. 10.** It shall be the duty of said board to meet once each three months, and oftener if necessary. It shall elect from its own number a president and secretary. It shall also elect a treasurer, who may or may not be a member of said board. Such officers shall hold their places during the pleasure of said board. The said treasurer shall give his bond to the people of this State, with two or more sufficient sureties, to be approved by said board and by the Governor, in the penal sum of at least ten thousand dollars, or in such larger amount as said board may require, conditioned for the faithful performance of the duties required of him by law and to account for and pay over as required by law all moneys received by him as such treasurer. The said board shall establish a system of government for said school, including all necessary regulations for the good order thereof and for the maintenance, health, instruction, and moral training of the children in said school ; for placing them in family homes, and for their supervision there while they remain the wards of said board. The said board shall appoint a superintendent, matron, cottage managers, teachers, and such other officers and employés as shall be necessary, who shall severally hold their offices during the pleasure of said board ; and said board shall prescribe their duties and fix their salaries, subject to the approval of the Governor.

**Duty of Superintendents of poor as to dependants 2 to 12 years of age.** **Petition to contain.** **Citation for parents.**

**SEC. 11.** Whenever the superintendents of the poor of any county shall find in their county any child over two and under twelve years of age, who in their opinion is dependent on the public for support, and is sound in mind and body, they shall file a petition in the probate court of their county, signed by at least two of their number, wherein they shall state that in their opinion the child named is dependent on the public for support, is between two and twelve years of age, is sound in mind and body, and has no parents against whom its support can be enforced as provided by law. They shall also therein give the names, residence, and occupation of the parents or either, so far as they are able, whether either is dead or has abandoned the child ; requesting therein an examination and determination by said court as to such alleged dependence, and should the child be found by said court to be dependent on the public for support, that an order be entered sending it to the State Public School. That upon the filing of such petition, if it shall appear therein that one or both of said parents reside in said county, the judge of said court shall issue a citation fixing the time and place for the hearing of such petition, which shall be served on one or both of said parents if either can be found in said county, not less than two days before the time fixed for said hearing, requiring them to appear on said day and hour and show cause, if any, why said child should not be declared by said court to be dependent on the public for support and sent to the State Public School. That in case it shall

appear by such petition that neither of said parents are living, or do not reside in said county, or in case one or both of said parents shall endorse on said petition a request that the child be sent to said school as requested therein, then the citation herein provided for need not be issued and the court may thereupon proceed to the examination herein provided for. It shall be the duty of the officer receiving such citation to use due diligence to find and serve the same on one or both of said parents; yet the proceedings under such petition shall not be deemed invalid by reason of any failure to serve such citation or by any informality or irregularity in such petition or service.

If dead.

Lack of service, etc., not to invalidate proceedings.

SEC. 12. That on such examination the child shall be brought before said court by said superintendents of the poor; whereupon it shall be the duty of said judge to investigate the facts and ascertain whether said child is dependent on the public for support, its residence, and, as far as possible, the whereabouts of the parents, when and how long the child has been maintained in whole or in part by public or private charity, the occupation of the parents, if living, whether they are supported by the public, or have abandoned the child, and to ascertain, as far as possible, if the child is found dependent, the causes thereof. The said judge is authorized to compel the attendance of witnesses on such examination, and it shall be the duty of the prosecuting attorney of the county, when requested by said judge, to appear in any such examination, in behalf of the petition. Any friend of said child may appear in said court in its behalf, and the said judge may, in his discretion, request the supervisor of any township or ward to appear in behalf of the child, yet it shall not be necessary to issue any citation or other notice to other than the parents. The record of the proceedings shall show who, if any one, appeared on [in] behalf of the child on such examination.

Examination of child.

Duty of probate judge.

Witnesses.

Prosecuting attorney.

Representative of child.

Record of proceedings.

SEC. 13. That if on such examination the said judge shall find that the said child is dependent on the public for support, is over two and under twelve years of age, and is sound in mind and body, he shall enter such finding by a proper order in the journal of the probate court in his office certifying that the child is dependent on the public for support and is entitled to admission to the State Public School at Coldwater, and ordering that it be taken to said school by the superintendents of the poor and admitted therein, and shall deliver to the said superintendents of the poor a certified copy of such order, which shall contain, besides said findings, a statement of the facts that are herein required to be inquired into, so far as they have been ascertained; and that said superintendents of the poor shall deliver such copy, with said child, at said school, to the superintendent thereof, as soon as practicable after the making of such order.

Order and finding to be entered.

Certified copy delivered to superintendent poor. Shall contain.

To be delivered to superintendent of school.

That upon entering such order the parents of said child shall be released from all parental duties towards and responsibility for such child, and shall thereafter have no rights over or to the custody, services, or earnings of such child, except in cases where said board may, as herein provided, restore the child to its parents.

Release from parental duties and rights.

Except.

SEC. 14. The object of this act is to provide a temporary home for dependent children in said school where they shall be retained only

Object of act.

Board to be legal guardians of children.	<p>until they can be placed in family homes. The said board is hereby made the legal guardian of all children who shall be received in said school, and it shall be its duty to use special diligence in providing such suitable homes for such children as shall be approved, as herein provided, and to place them therein on a written contract to remain until they are twenty-one years of age, or in the discretion of said board until they are eighteen years of age. Such contract shall provide for their education in the public schools where they reside, for teaching them some useful occupation, for kind and proper treatment as members of the family where placed, and for the payment on the termination of such contract to said board for such children such sum of money as may be provided for in said contract. Whenever any ward of said board who is not indentured has become self-supporting the said board may so declare by resolution and thereupon said guardianship shall cease and the child shall thereafter be entitled to its own earnings. Whenever one or both of the parents of any ward of said board, who is not indentured, have become able to support and educate it, the child may by resolution of said board be restored to its parents; in which case the suitability of the home shall be certified in the same manner as herein required for placing children on indentures; and thereupon the guardianship of said board shall cease.</p>
To provide homes. Contract.	
To contain.	
Self supporting ward.	
Restoration of child to parents.	
Who to be received in school.	<p>SEC. 16. There shall be received into said school those children who have been declared dependent on the public for support as herein provided, and they shall be retained therein until they are sixteen years of age, unless they shall before that time be sent out as herein provided. While in said school they shall be maintained and educated in the branches usually taught in the common schools; they shall have proper moral and physical training, and shall be taught how to labor so far as their age and condition will reasonably permit. The said board is authorized to return to the counties from which they were sent the following classes of children:</p>
Time of retention.	
Maintenance and education.	
Board to return certain children to place from whence sent.	
Probate judge.	<p><i>First</i>, Those who have become sixteen years of age and who for any reason cannot be placed in or retained in family homes;</p> <p><i>Second</i>, Those who by reason of vicious habits or incorrigibility cannot be placed in or retained in family homes;</p> <p><i>Third</i>, Those who in the opinion of said board, based on the certificate of the physician of said school, are of unsound mind or body, or who have some serious physical disability which prevents their being placed in family homes. Whenever any child shall be ordered by said board to be returned to its county as herein provided, the guardianship of said board shall cease, and the child shall thereupon again become a charge on the county from which it was sent, and the superintendent of said school in returning any child to its county shall report in writing to the superintendent of the poor of the proper county, the action of said board and the reasons therefor.</p> <p>SEC. 17. That whenever on the examination provided for in this act the judge of probate shall determine that the child is dependent on the public for support, he shall cause it to be examined by the county physician, if there be one, and if not, then by a respectable practicing physician, and shall in no case enter the order in his</p>
Examination by physician.	

journal, showing the child is admissible to this school, unless the physician making such examination shall certify in writing, under oath, filed in said court, that the child examined by him is, in his opinion, of sound mind, and has no chronic or contagious disease, and in his opinion has not been exposed to any contagious disease within fifteen days previous to such examination before the judge of probate; that a copy of such certificate shall be attached to the other papers required by this act, to accompany each child to this school.

Certificate of.

Attached to.

SEC. 18. That the superintendent, agent, or Board of Control of the State Public School is hereby authorized to consent to the adoption of any child who has or shall become an inmate of said institution, by any person or persons, pursuant to the provisions of an act entitled "An act to provide for changing the names of minor adopted children, and of other persons," approved February two, eighteen hundred and sixty-one; and that on such adoption the said Board of Control shall cease to be the guardian of the child so adopted.

Adoption of child.

SEC. 21. It shall be the duty of said board to obtain information as often as practicable from all the children placed in families from this school, and to secure so far as possible the education and good treatment of such children, and the full performance of indenture contracts. It shall be the duty of said board to procure written reports from such children at least once in each six months, one of which shall be from the person to whom the child is indentured, and the other from the agent of said school or from the agent of the Board of Corrections and Charities for the county where the child resides, the superintendent of said school to notify the officer he desires to visit the child and make the report. If it shall appear to said board by such report, or from any other source, that the child visited is neglected or ill-treated, or is not being educated by the person with whom it is placed, or that the person having such child is unfit to have the care thereof, the said board, or the superintendent of said school, who may be authorized so to do by said board, shall cancel the contract and cause the child to be returned to said school or removed directly into some other home, and notice thereof shall be given the county agent of the county.

To look after children placed in families.

Written reports from.

In case of neglect, etc.

Cancellation of contract.

SEC. 22. Any person desiring to take a child from said school by indenture or adoption may apply for that purpose in writing, in such form as said board shall prescribe, to the superintendent or agent of said school, or to the agent of the Board of Corrections and Charities of the county where the applicant resides. That either of said officers who shall receive such application, other than said superintendent, shall investigate the same and report in writing to the superintendent, in such form as said board shall prescribe, the facts ascertained and whether, in his opinion, the applicant is a proper person to have the care and education of the child; and no child of said school shall be placed in a home on trial or by indenture or adoption, unless the same shall be approved by the agent of said school, or by the agent of the Board of Corrections and Charities of the county where the applicant resides. It shall be the duty of the agent of said school, or the agents of the State Board of Corrections and Charities, in their respective counties, to visit the children of said

Adoption, etc., of inmates of school.

Who to report on.

To be approved by.

Visitation of children bound out.



Report upon.	school in families on indenture, at such times as they may be requested so to do by the superintendent of said school and only at such times; and shall then enquire into the management, condition, and treatment of such children, and shall, as soon as practicable, report to the superintendent of said school the facts ascertained, showing whether the indenture contracts are being faithfully executed; and whenever it shall come to the knowledge of any such officer, so authorized to make such visits, that any child of this school in a family, on trial or on indenture, is being ill-treated, he shall immediately investigate the case and report the facts as aforesaid.
Ill treatment.	
Preservation of records, etc.	SEC. 23. It shall be the duty of said board to preserve in said institution all legal papers, reports, and other valuable papers relating to each child, and shall provide and keep suitable record books in which shall be entered, during the time of the guardianship of said board, a brief history of each child, showing its name, age, county, residence, when received, indentured or adopted; the names, residence, occupation, habits and character of the parents, so far as can be ascertained, and the name, residence, and occupation of the person who has taken the child by indenture or adoption.
What to contain.	Ordered to take immediate effect. Approved April 16, 1885.

## [No. 53.]

AN ACT to amend sections two, eight, and twelve of an act entitled "An act to regulate the catching of fish in certain waters of this State," being act number one hundred and eighty-eight of the session laws of eighteen hundred seventy-five, approved May first, eighteen hundred seventy-five.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two, eight, and twelve of an act entitled "An act to regulate the catching of fish in certain waters of this State," being act number one hundred and eighty-eight of the session laws of eighteen hundred and seventy-five, be and the same are hereby amended so as to read as follows :

Limitation of use of net, etc., for fishing.

SEC. 2. No person shall use any pound, trap, stake, gill, or set-net, or like device of any kind for taking fish, in any of the waters of this State connecting Lakes Huron and Erie, nor fish with any seine or sweep-net beneath the ice which may have formed or frozen upon the surface of said water, between a radius of two miles from the outlet of Lake Huron and the mouth of the Detroit river : *Provided*, It may be lawful with pound-nets in that portion of Lake St. Clair, between a line drawn across said lake easterly, two miles northerly of Windmill Point light-house, and a line drawn easterly across said lake from the mouth of Milk river, as laid down on the chart of Lake St. Clair made by the United States Engineer Corps on the survey of the Northern and Northwestern lakes.

Proviso.

SEC. 8. Any person charged with offending against the provisions



of this act may be tried within any circuit court within whose jurisdiction the offense charged shall be committed, and, upon conviction, such person shall be subject to a fine, not exceeding fifty dollars, for each and every offense, and to imprisonment in the county jail until such fine is paid ; but not for a period exceeding sixty days.

Penalty for violation.

SEC. 12. Nothing in this act shall be construed as a prohibition upon fishing with sweep-nets not exceeding sixty fathoms in length in the St. Clair and Detroit rivers, except the provision as to taking whitefish, contained in section six of said act.

Certain sweep-nets may be used, except.

Approved April 23, 1885.

[No. 54.]

AN ACT to amend sections one and three of chapter five of an act entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within this State," being act number two hundred and forty-three, public acts of eighteen hundred and eighty-one, approved June eight, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact*, That sections one and three of chapter five of an act entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within this State," being act number two hundred and forty-three, public acts of eighteen hundred and eighty-one, approved June eight, eighteen hundred and eighty-one, be amended so as to read as follows :

Sections amended.

SECTION 1. When any public highway which passes along the bank of any lake, river, or other water-course, and which is not included in the limits of a city, or of a platted village, whether incorporated or unincorporated, shall, by the falling or washing away of the bank, or from any other cause become reduced to a width of less than fifty feet, it shall be the duty of the commissioner, acting upon his own knowledge, or on being notified thereof in writing, by any person of adult age, such notice stating the place or places where such defect exists, to proceed within ten days and examine the same, and if he finds it to be less than fifty feet wide, he shall forthwith lay out, open, and work such highway in and upon the adjacent land to the width of fifty feet ; and if such land be inclosed, he shall, within ten days, give notice in writing to the owner or occupant of such land, requiring such owner or occupant within thirty days to remove the fence, hedge, or other structure forming the enclosure, back from the bank far enough to admit of such opening and working, and if such owner or occupant shall neglect to remove the same, as required by such notice, it shall be the duty of the commissioner forthwith to remove such fence or other structure, doing the owner or occupant no unnecessary damage in making such removal. In cities, and platted villages, whether incorporated or unincorporated, streets or public

Duty of commissioner when highway on bank of river, etc., washed away.

In cities and villages, duty of municipality.

In St. Clair Co.

highways reduced in width as aforesaid, shall be restored, repaired, and protected by the municipal corporation having charge of such streets or highways. In St. Clair county streets or highways, reduced in width as aforesaid, shall be restored, repaired, and protected by the highway commissioners of the respective townships within such county where such streets or highways are situated.

When house prevents road being widened.

SEC. 3. When any dwelling house or other building shall stand so near any lake, river, or other water-course, where a highway, which is not included in the limits of a city, or of a platted village, whether incorporated or unincorporated, (and not included in the county of St. Clair) intervenes, that there shall not be room for a road at least thirty-five feet wide, then the commissioner shall, within ten days after having knowledge of the fact, give thirty days' notice in writing to the owner or occupant of the land to be taken, and to the owner or occupant of such house or other building, of his intention to open a highway in the rear of such house or other building, and if such house or other building shall, within the said thirty days, be moved back far enough to admit of a road being opened and worked at least thirty-five feet wide in front thereof, then the commissioner shall widen such highway in front of such house or other building; but if such house or other building shall not be so removed, he shall then proceed without further delay to lay out a highway in the rear of such house or other building, not less than fifty feet wide: *Provided*, Said road shall not be laid out within one hundred feet of any dwelling house.

Proviso.

Approved April 23, 1885.

[No. 55.]

AN ACT to amend section seven hundred and three of the compiled laws of eighteen hundred and seventy-one, as amended by act number fifty-three of the session laws of eighteen hundred and seventy-three, being section seven hundred and forty-one of Howell's Annotated Statutes, relative to the duties of township clerks.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven hundred and three of the compiled laws of eighteen hundred and seventy-one, as amended by act number fifty-three of the session laws of eighteen hundred and seventy-three, being section seven hundred and forty-one of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Clerks of townships and cities to make return of names, etc., of officers to county clerk.

741. (703.) SEC. 67. The township clerk of each township, and the city clerk of each city, shall, immediately after the qualifying of the several officers elected or appointed in their respective townships and cities, return to the clerks of their respective counties the names of all such officers, with their respective postoffice addresses: *Provided*, That the township clerk of the township of South Manitou in the county of Manitou, may make such return at any time before the first day of June next after the election of such officers.

Proviso, South Manitou.

This act is ordered to take immediate effect.

Approved April 23, 1885.

## [No. 56.]

AN ACT amending section ninety-one hundred and ninety-nine of Howell's Annotated Statutes relative to breaking locks and chains attached to boats.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number one hundred and sixty-six of the session laws of eighteen hundred and sixty-nine, being section ninety-one hundred and ninety-nine of Howell's Annotated Statutes of the State of Michigan, be amended so as to read as follows: Section amended.

SEC. 2. Any person or persons who shall willfully remove any boat or boats from their fastenings moored upon any lake, river, or stream in this State, without the consent of the owner, or who shall maliciously loose any boat or boats fastened by lock, chains, or other fastening, to the bank or shore of any lake, river, or stream, and suffer the same to float away without the consent of the owner or person having in charge said boat or boats, or who shall rent or hire any such boat or boats, and shall without any cause leave such boat or boats, and abandon the same without giving the owner or owners, or person having charge thereof, notice of such abandonment, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than ten dollars or more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment in the discretion of the court. Removing boats from fastenings, etc.  
A misdemeanor.  
Penalty.

Approved April 23, 1885.

## [No. 57.]

AN ACT to amend sections two, three, four, nine, and fourteen of chapter two, and to add a new section to said chapter to stand as section fifteen, and to amend sections four and six of chapter four, and to amend section four of chapter eleven of act number two hundred and forty-three of the session laws of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within the State," approved June eighth, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact*, That sections two, three, four, nine, and fourteen of chapter two, and that there be added to said chapter two, a new section to stand as section fifteen, that sections four and six of chapter four, and section four of chapter eleven of act number two hundred and forty-three of the session laws of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within this State," approved June eighth, eighteen hundred and eighty-one, be and the same are hereby severally amended so as to read as follows: Sections amended.

## CHAPTER II.

Commissioner  
of highways to  
make annual  
report.

What to con-  
tain.

SECTION 2. The commissioner of highways of each organized township shall render to the township board at the annual meeting thereof in each year an account in writing stating :

*First*, The highway labor assessed and performed in each surveyed township embraced within his organized township ;

*Second*, The amount paid for delinquencies and commutations, and other moneys received by him, and the application thereof, in each of said surveyed townships ;

*Third*, The improvements which have been made on the roads and bridges in each of said surveyed townships during the year preceding such report, and the condition of such roads and bridges ;

*Fourth*, An estimate of the amount of highway labor which, in his judgment, should be assessed upon the taxable property in each of said surveyed townships for the next ensuing year, not exceeding one-half day's labor upon each one hundred dollars of valuation for the year ;

*Fifth*, The improvements necessary to be made in the highways and bridges during the year and the amount of money tax that should be levied for that purpose in each of said surveyed townships, beyond what such estimated highway labor will accomplish, not exceeding fifty cents upon each one hundred dollars of valuation, according to the assessment roll for the last preceding year, or in surveyed townships whose aggregate valuation is less than fifty thousand dollars, a gross sum not exceeding two hundred and fifty dollars.

To be presented  
to township  
meeting and  
they may deter-  
mine.

SEC. 3. The township board shall cause such statement to be presented at the then next annual township meeting, and such meeting, immediately after the election of overseers of highways, may determine, by a majority of the electors present and voting :

*First*, Upon the amount of highway labor to be assessed in each of said surveyed townships, which shall be within the limit named in the fourth subdivision of the last preceding section ;

*Second*, Upon the amount of money tax to be assessed, within the limit prescribed by the fifth subdivision of the last preceding section in each of said surveyed townships, and the sum so voted shall be levied and collected in the same manner as other township expenses :

Proviso.

*Provided*, That if the statement required by this and the last preceding section be not presented to the annual township meeting, such meeting may vote on the amount of highway labor and money tax to be assessed, within the limits contemplated by said sections, and action thereon shall be as valid for all purposes as if such statement had been presented.

Assessment of  
labor if town-  
ship neglects to  
vote, etc.

SEC. 4. In case the electors present at any annual township meeting shall neglect or refuse to vote any rate of highway labor to be assessed, as by the first subdivision of the last preceding section provided, the commissioner, in making his assessment, may assess not exceeding one-half day's labor upon each one hundred dollars of valuation in such of said surveyed townships, as he shall deem necessary, and in case such electors shall neglect or refuse to vote a money tax, as by the second subdivision of section three above provided, the township board may order to be levied such sum in each of said sur-

veyed townships, within the limit herein above provided, as they may deem necessary, for the improvement of roads and bridges.

SEC. 9. The names of persons left out of any such list, and who ought to have been included therein, and of new inhabitants who have not, in the same year, been assessed in some other place for highway labor, shall be, from time to time, added to the several lists, and rated by the overseers in proportion to their taxable real and personal property, as other persons are rated on such lists in the same surveyed townships, by the commissioner, subject to an appeal to the commissioner.

Adding names  
to lists.

SEC. 14. All highway labor and all money tax assessed and collected within any township for highway purposes, shall be expended within the limits of the surveyed townships on which the same may be assessed: *Provided*, That notwithstanding the provisions hereof, any legal subdivision of one hundred and sixty acres of land in any surveyed township, any part of which is within three miles of any public highway, and not assessed for other highway purposes, shall be assessed for a highway tax in the same manner and with like effect as though said public highway or any part thereof, run through such surveyed township.

Highway labor  
and money;  
how to be  
expended.

Proviso.

SEC. 15. The treasurer of townships embracing more than one surveyed township, shall keep a separate account of the highway moneys collected in the several surveyed townships, and all warrants for payment from highway funds in such township, shall indicate the number and range of the township in which the work had been done, or material furnished for which said order is drawn.

Accounts of  
money col-  
lected, how to  
be kept.

#### CHAPTER IV.

SECTION 4. The commissioner shall render to the township board, at their annual meeting, a statement showing :

Statement of  
commissioner  
to township  
board.  
To contain.

*First*, The improvements which have been made on the roads and bridges in the several surveyed townships embraced within the township organization, during the year preceding such report, and the condition of such roads and bridges ;

*Second*, A summary statement of the cost of such improvements, the amount of outstanding liabilities, if any, and the amount of the highway fund, if any, over and above such liabilities ;

*Third*, The improvements necessary to be made during the year in each surveyed township and the amount of tax that should be levied in each year for that purpose, and when special improvements are designed, they shall be specified, with an estimate of their cost. The township board shall cause such statement to be presented at the then next annual township meeting, at the time of voting upon the amount of tax to be raised, but a failure to render such statement, or to present the same to the township meeting, shall not affect the right of the electors of the township to vote a highway tax or of the township board to fix and determine the same, as provided in the last preceding section.

SEC. 6. The commissioner may draw warrants on the township treasurer in his own favor, to be countersigned by the clerk or super-



Commissioner may draw warrants on township treasurer, etc.

visor, for sums not exceeding one hundred dollars, at any one time, and may make disbursements from the amounts so drawn in payment for employed labor, materials, and incidental expenses, and his vouchers therefor shall be filed with the township clerk before any further similar drafts shall be made, and his accounts shall be audited by the township board at such times as they may meet for that purpose. He may also draw warrants on the treasurer in payments on contracts as he is authorized to do by section four of chapter eleven of this act. Where more than one surveyed township is embraced in a township organization, the commissioner shall indicate in his warrants the number and range of the township on account of which such warrant is drawn.

## CHAPTER XI.

Orders for payment of labor, contracts or materials; how drawn, etc.

SECTION 4. The commissioner shall draw orders upon the township treasurer, in payment for labor, contracts, or materials furnished, indicating the surveyed township where there are more than one in an organized township, on whose account the order is drawn, and no money applicable to such purposes, shall be paid by such treasurer, except upon such order, signed by the commissioner, and countersigned by the clerk or supervisor, and accompanied by his certificate, that the labor has been actually performed, or the contract fulfilled, or materials furnished, for which the amount of such order is to apply in payment; but no commissioner shall draw any order in excess of the funds in the treasury to pay the same, or that may have been voted for the purpose, or make any contract, or issue any evidence of indebtedness, or do any other act implying any obligation upon his township, except as authorized by law; nor shall any clerk or supervisor countersign any order issued by the commissioner, unless there shall be funds in the treasury to pay the same. Any willful violation of the provisions of this section, shall subject the offender to a penalty of one hundred dollars.

Penalty for violation of.

Approved April 24, 1885.

[No. 58.]

AN ACT to repeal act number one hundred and ninety-three of the session laws of eighteen hundred and eighty-three, being continuous sections eighty-seven hundred and forty-nine *a*, eighty-seven hundred and forty-nine *b*, eighty-seven hundred and forty-nine *c*, eighty-seven hundred and forty-nine *d*, eighty-seven hundred and forty-nine *e*, eighty-seven hundred and forty-nine *f*, eighty-seven hundred and forty-nine *g*, eighty-seven hundred and forty-nine *h*, eighty-seven hundred and forty-nine *i*, eighty-seven hundred and forty-nine *j*, eighty-seven hundred and forty-nine *k*, eighty-seven hundred and forty-nine *l* of Howell's Annotated Statutes of this State, being an act to prevent debtors from giving preference to creditors, and to secure the equal distribution of the property of debtors among their creditors, and for the release of debts against debtors.



SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and ninety-three of the public acts of the State of Michigan for the year eighteen hundred and eighty-three, being continuous sections eighty-seven hundred and forty-nine *a*, eighty-seven hundred and forty-nine *b*, eighty-seven hundred and forty-nine *c*, eighty-seven hundred and forty-nine *d*, eighty-seven hundred and forty-nine *e*, eighty-seven hundred and forty-nine *f*, eighty-seven hundred and forty-nine *g*, eighty-seven hundred and forty-nine *h*, eighty-seven hundred and forty-nine *i*, eighty-seven hundred and forty-nine *j*, eighty-seven hundred and forty-nine *k*, eighty-seven hundred and forty-nine *l*, of Howell's Annotated Statutes, being an act to prevent debtors from giving preference to creditors, and to secure the equal distribution of the property of debtors among their creditors, and for the release of debts against debtors, approved June eighth, eighteen hundred and eighty-three, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved April 24, 1885.

[No. 59.]

AN ACT to amend an act entitled "An act to protect fish, and preserve the fisheries of this State," approved March twenty-first, eighteen hundred and sixty-five, being act number three hundred and fifty, session laws of eighteen hundred and sixty-five, by adding two new sections, to be designated as section twelve and section thirteen.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to protect fish, and preserve the fisheries of this State," approved March twenty-first, eighteen hundred and sixty-five, being act number three hundred and fifty, session laws of eighteen hundred and sixty-five, be and the same is hereby amended by adding two new sections, to be designated as sections twelve and thirteen, to read as follows:

SEC. 12. The meshes of gill nets shall not be less than four and three-fourths inches in extension: *Provided*, That all gill nets purchased and owned by fishermen prior to January one, eighteen hundred and eighty-five, may be used during the years eighteen hundred eighty-five and eighteen hundred eighty-six. No gill net shall be used in the waters of this State, the mesh of which is less than provided in this section, under penalty and on pain of forfeiture of the net, or a fine of one hundred dollars for each offense, or both, at the discretion of the court.

SEC. 13. The meshes of seines shall not be less than three and one-half inches in extension. No seine shall be used in the waters of this State, the mesh of which is less than provided in this section, under penalty and on pain of forfeiture of the net, or a fine of one hundred dollars for each offense, or both, at the discretion of the court. No seine shall be used in the waters of this State except to be drawn upon shore, or to a dock to which one rope of the net is

Act and sections repealed.

Size of gill net meshes, etc. Proviso.

Penalty.

Size of meshes, of seines, etc.

Penalty.

Restrictions on use of seines.

Penalty for  
violation.

fastened. The use of seines, and every species of drag net, by drifting, or towing with boats, is prohibited in all waters of this State. Every offense against this prohibition shall be punished by forfeiture of the apparatus used, or a fine of three hundred dollars, or both, at the discretion of the court.

Approved April 28, 1885.

[No. 60.]

AN ACT to amend section three of chapter one hundred eight of the compiled laws of eighteen hundred seventy-one, being section three of chapter one hundred seventy-seven of Howell's Annotated Statutes, being "An act to authorize the organization of Young Men's Christian Associations."

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of chapter one hundred seventy-seven, of the general statutes of the State of Michigan, compiled and annotated by Andrew Howell, being compiler's section four thousand seven hundred nineteen, relative to the organization of Young Men's Christian Associations, be and the same is hereby amended so as to read as follows:

Managed by  
directors; num-  
ber of, etc.

SEC. 3. The affairs of such corporation shall be managed by not less than five nor more than twenty-five directors, to be chosen by the members thereof, to be elected after the first election by classes, their term of office not to exceed three years, and until their successors are chosen. A quorum shall consist of one-half the directors serving, if their whole number be less than twelve, but of one-third of those serving if their whole number be twelve or more; and the quorum shall have power to enact, alter, and repeal all by-laws, and transact all necessary business. The other regular officers of said corporation to be members of the board of directors, except the secretary, and to be elected as the articles shall direct.

Quorum.

Power of.  
Officers.

Ordered to take immediate effect.

Approved April 28, 1885.

[No. 61.]

AN ACT to amend section three of an act entitled "An act to protect fish and preserve the fisheries of this State," approved March twenty-first, eighteen hundred sixty-five, designated as section twenty-one hundred sixty-five, chapter sixty-three of the general statutes in force.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of an act entitled "An act to protect fish and preserve the fisheries of this State," approved March twenty-first, eighteen hundred sixty-five, designated as section twenty-one hundred sixty-five, chapter sixty-three of the general statutes in force, be and the same is hereby amended so as to read as follows:

SEC. 3. The meshes of the parts of pound or trap nets, commonly called the lead, the funnel, and the heart, shall not be less than five inches in extension as manufactured; and the meshes of the parts of said nets, commonly called the pot-crib or pocket (being that part in which the fish are finally captured) shall not be less than three and one-half inches in extension as manufactured. No pound, trap, or other fixed or set net of whatever name or description shall be used in any waters of this State, the meshes of which are less in size than permitted by this section, under penalty and on pain of forfeiture of any such nets, or fine not exceeding three hundred dollars for each offense, or both at the discretion of the court: *Provided*, That during the years eighteen hundred eighty-five and eighteen hundred eighty-six all pound or trap nets purchased and owned prior to July first, eighteen hundred eighty-five, may be used if the meshes of the crib or pocket, as above described, are not less than three and one-half inches in extension as manufactured. Pound nets shall be set so that the bars forming the meshes shall be in straight lines and running at an angle of forty-five degrees to the horizon: *And provided*, That the provisions of this act shall not affect the twine now in use: *And provided*, That pound nets, with pots, cribs or pockets of not less than two and one-half inch mesh in extension may be used for taking perch, herring, and pickerel in the waters of this State; but this exception shall not be construed to permit the capture of other fish in any such nets: *And provided further*, That the provisions of this act shall not apply to the inland lakes and rivers of this State. But this exemption of the inland rivers shall not be construed to exempt the rivers connecting the great lakes.

Size of meshes of nets.

Prohibition of use of certain nets.

Penalty for violation.

proviso.

Idem.

Idem.

Idem.

Approved April 28, 1885.

[No. 62.]

AN ACT to amend sections five and twenty-one of act number ninety-seven, of the session laws of eighteen hundred seventy-nine, as amended, being sections six thousand five hundred thirty-nine and six thousand five hundred fifty-five of Howell's Annotated Statutes of Michigan of eighteen hundred eighty-two, relative to filling vacancies in the superior court of Detroit.

SECTION 1. *The People of the State of Michigan enact*, That sections five and twenty-one of act number ninety-seven of the session laws of eighteen hundred seventy-nine, as amended, being sections six thousand five hundred thirty-nine and six thousand five hundred fifty-five of Howell's Annotated Statutes of Michigan, of eighteen hundred eighty-two, be and the same are hereby amended so as to read as follows:

Sections amended.

SEC. 5. In case of the absence from the city of the judge of said court, inability to attend, incapacity to try any cause pending in said court, or a vacancy in his office, the recorder of said city or any judge of the circuit court for the third judicial circuit, in which the city of Detroit is situated, may act as judge of said court, and as such

When recorder or circuit judge may act as judge.

When judge of superior or circuit court may act as recorder.

Judges may act for each other.

Vacancy in superior court; judgeship, how filled.

Proviso.

Changes of venue, trial in circuit court, etc.

judge shall have and exercise all the powers and duties of the judge of said court until he shall resume his office, or such vacancy be filled. The judge of said superior court or any judge of the said circuit court may act as judge of the recorder's court whenever requested so to do by the recorder, or in the absence, sickness, or incapacity of said recorder, or when there is a vacancy in the office of recorder; all said judges may also, from time to time, act for each other, or exchange courts at their pleasure. The common council of said city shall cause an election to be held in said city to fill any vacancy in the office of judge of the superior court, the same as provided by the charter of said city in case of a vacancy in the office of mayor thereof. And whenever any judge shall tender his resignation to the common council to take effect at some future day, and the same shall have been accepted, said common council may cause an election to fill the expected vacancy, which may be held between the time of said acceptance of resignation and the day when it is to take effect: *Provided*, That not less than ten days' notice of such election shall be given; or such expected vacancy may be filled at any regular election occurring within thirty days after such acceptance of resignation, if said common council so orders; and such judge elect shall assume the duties of the office at the time said resignation takes effect, or as soon thereafter as he is elected and qualified.

SEC. 21. Said court, upon good cause shown, may change the venue in any cause pending therein, and direct the issue to be tried in the circuit court for the county of Wayne, and make all necessary rules and orders for the certifying and removing such cause, and all matters relating thereto, to said circuit court; and said circuit court to which such cause shall be so removed shall proceed to hear, try, and determine the same, and execution may thereupon be had in the same manner as if the same had been originally prosecuted in said circuit court; and causes may be transferred from the circuit court of said Wayne county to the said superior court on the same terms and in the same manner as above provided for the transfer of causes from the said superior court to said Wayne circuit court.

Ordered to take immediate effect.

Approved April 28, 1885.

[No. 63.]

AN ACT to establish a State Board of Fish Commissioners, and to repeal act number one hundred twenty-four, session laws of eighteen hundred seventy-three, act number seventy-one, session laws of eighteen hundred seventy-five, and act number three, session laws of eighteen hundred eighty-two.

Appointment of Fish Commissioners.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint three persons, residents of this State, who shall constitute a Board of Fish Commissioners. The persons so appointed shall hold office each for the term of six years, the

terms of office of the several persons now composing said board to continue for the time for which they were appointed, or until their respective successors are appointed, confirmed, and qualified. The Board of Fish Commissioners, as at present organized and constituted by law, and their successors in office appointed hereunder, or under any act of the Legislature of this State which may hereafter become a law shall constitute a body corporate by and with the name and title of the "State Board of Fish Commissioners," with the right, as such corporation of contracting, suing, and being sued, of making and using a common seal, taking conveyances and leases of lands and tenements, and holding and disposing of the same, in the said corporate name, and of owning, using, and disposing of personal property, for the uses of said board in carrying out the objects of their organization and appointment, as the same are herein or may by law hereafter be declared. Any vacancies occurring in the membership of said board, to be filled by the Governor; appointments to fill vacancies to be submitted to the Senate for confirmation at its next regular session, if extending beyond a session of the Legislature.

SEC. 2. It shall be the duty of the said Board of Commissioners to select suitable locations within this State whereon to establish and maintain fish-breeding establishments for the propagation and cultivation of whitefish, and such other kinds of food fishes as they may direct, for the purpose of stocking with such fish, and replenishing the supply of the same, in such of the inland and bordering waters of this State as they may know, or have reason to believe are suitable for the kinds of fish they may select. All property owned or leased by the commissioners, shall be exempt from taxation, so long as held and used for State purposes under this act. Said board of commissioners shall employ a competent person as superintendent of fisheries, whose duty it shall be to devote his entire time to gathering ova, hatching, and planting, or distributing fish, and superintending generally the practical operations of the work, under the direction of the board of commissioners. They may also employ such other assistants as the exigencies of the work may require. All persons employed by the board, shall be governed by the regulations it may adopt for that purpose. The salary of the superintendent not to exceed twelve hundred dollars per annum.

SEC. 3. Said board of commissioners shall cause to be kept proper books of accounts and records of their own transactions, and also of all operations and experiments in the discharge of the duties aforesaid, and shall report biennially to the Governor upon their operations and the practical results and success of the same.

SEC. 4. The said board may take, or cause to be taken, any fish in any manner or at any time, for the purposes connected with the fish culture or with scientific observation. And they shall further discharge any duties required of them by law relating to the fishing interests or the enforcement of laws relating to the protection of fish and fisheries in this State. Said board may receive from the State Treasurer out of the appropriations made therefor all the expenses actually disbursed by them while in the discharge of the duties required of them by law.

Term of office.

Present board.

Body corporate;  
title of, etc.Vacancies, how  
filled.Duty of Com-  
missioners.Exemption  
from taxation.Superintendent,  
duty of.

Assistants.

May adopt  
rules.Salary of  
superintendent.Accounts and  
records.

Report.

Power, further  
duty of Com-  
missioners.Expenses to be  
allowed.



Appropriations;  
how drawn, etc.

Unexpended  
balance.

Joint action  
with other  
States.

Acts repealed.

SEC. 5. Appropriations for the necessary expenses of the work of said board shall be paid to them by the State Treasurer on the warrants of the Auditor General, from time to time, as their vouchers for the same are exhibited and approved. The unexpended balance of any appropriation at the end of the year for which the same is made shall be carried forward to the credit of the board, provided the board certify to the Auditor General and State Treasurer that the same is needed for the purchase of additional grounds, making permanent improvements upon any of its property, or for apparatus or labor in extending the work.

SEC. 6. In case appropriations by other States contiguous to the waters of Michigan shall be made, and a disposition for joint action with the State of Michigan be expressed, the said board of commissioners, with the approval of the Governor of the State, may arrange for and carry into effect joint action for replenishing the supply of food fish in such contiguous waters.

SEC. 7. Act number one hundred and twenty-four (124) of the session laws of eighteen hundred and seventy-three, entitled "An act to establish a board of commissioners to increase the product of the fisheries, and to make an appropriation therefor," approved April nineteenth, eighteen hundred and seventy-three; act number seventy-one (71) of the session laws of eighteen hundred and seventy-five, entitled "An act to amend section one (1) of act number one hundred and twenty-four (124) of the session laws of eighteen hundred and seventy-three, entitled 'An act to establish a board of commissioners to increase the product of the fisheries, and to make an appropriation therefor,'" approved April nineteenth, eighteen hundred and seventy-five; and act number three (3) of the session laws of eighteen hundred and eighty-two, entitled "An act to incorporate the board of State Fish Commissioners," approved March ninth, eighteen hundred and eighty-two, be and the same are hereby repealed.

Approved April 28, 1885.

[No. 64.]

AN ACT supplementary to an act entitled, "An act to revise the laws providing for the incorporation of railroad companies and to fix the duties and liabilities of all railroad, and other corporations, owning or operating any railroad in this State," approved May first, eighteen hundred and seventy-three.

Any number not  
less than seven  
may form com-  
pany, etc.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any number of persons, not less than seven, to form themselves into a company for constructing, maintaining, and operating, either a surface or elevated railway for the public use in the conveyance of persons and property, by means of a propelling rope, or cable attached to stationary power, and upon compliance with the provisions of the aforesaid act, the same being act number one hundred and ninety-eight of the laws of eighteen hundred and seventy-three, and of the acts amendatory thereof, they shall become a body



revised.

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 4. CITY  
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NAME.

- Powers, etc.

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## 7.2. A translation

Appropriation made.	be and is hereby appropriated out of the State treasury for the Michigan Asylum for the Insane, the sum of twenty-two thousand dollars, or so much thereof as may be necessary for the following purposes,
Purpose of.	to wit: For erecting a kitchen in connection with the male department of said asylum to contain lodging rooms in the upper story for employés, the sum of seven thousand dollars; and for erecting an infirmary in connection with said male department, and for heating and ventilating the same, the sum of fifteen thousand dollars.
Money, how drawn.	SEC. 2. That the moneys hereby appropriated may be drawn from the State treasury upon the warrant of the Auditor General, in such sums and at such times as shall be made to appear to him necessary.
Expenditure of, and accounting for.	The sums thus appropriated shall be expended only for the purposes specified in this act, and their receipts and disbursements shall be accounted for by duplicate vouchers and monthly accounts current, as provided for by act number one hundred forty-eight of the laws of eighteen hundred seventy-three.
Tax for.	SEC. 3. That the Auditor General is hereby authorized to incorporate the aforesaid sum of twenty-two thousand dollars in the State tax for the year eighteen hundred eighty-five, and when collected place the same to the credit of the general fund.
	Ordered to take immediate effect.
	Approved April 29, 1885.

## [No. 67.]

AN ACT to connect the State House of Correction and Reformatory, and the Asylum for Insane Criminals, at Ionia, with the Ionia city water-works.

Appropriation made.	SECTION 1. <i>The People of the State of Michigan enact</i> , That there is hereby appropriated out of moneys in the treasury not otherwise appropriated, the sum of two thousand dollars (\$2,000), for the purpose of connecting the State House of Correction and Reformatory, and the Asylum for Insane Criminals, at Ionia, with the Ionia city water-works. Said appropriation shall entitle the State property to the same protection, rights, and privileges as city property receives, and be under the control and management of the board of managers and warden of said institutions.
Purpose of.	
Entitled to.	
Money, how paid.	SEC. 2. Said moneys shall be paid on the warrant of the Auditor General to the treasurer of said House of Correction and Reformatory, on the first day of June, eighteen hundred eighty-five, or as soon thereafter as such warrant shall be presented, and paid out by him on properly accredited vouchers.
	Ordered to take immediate effect.
	Approved April 29, 1885.

[No. 68.]

AN ACT making an appropriation for the support of the State Public School, and for making improvements at that institution.

SECTION 1. *The People of the State of Michigan enact*, That the sum of thirty-nine thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred and eighty-five; and the further sum of thirty-nine thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred and eighty-six; and that the further sum of thirteen thousand two hundred dollars be and the same is hereby appropriated out of the general fund for the following named purposes, for the State Public School: For general repairs on buildings and repainting, two thousand five hundred dollars; for repairs on steam and water works, five hundred dollars; for new roofing and repairs on roofs, five hundred dollars; for the continuation of cement sidewalks, five hundred dollars; for removing tile sewer pipes in and near the buildings, and for replacing the same with iron sewer pipes, sixteen hundred dollars; for under-drainage, fencing, and trees, five hundred dollars; for improvements in the cemetery, and head stones, two hundred dollars; for a large pump for elevating water, and for fire protection, eight hundred dollars; for furniture and bedding, one thousand dollars; for a fire proof vault for records and files, six hundred dollars; for an addition to the cow barn, five hundred dollars; for excavating basements under five cottages, and for cement floors in ten cottages, one thousand dollars; for a new bake room, and an oven, five hundred dollars; for a cooling room for milk and meat, five hundred dollars; for cows, four hundred dollars; for three horses, wagon, and harness, five hundred dollars; for library for children, two hundred dollars; for additional water closets in cottages, and hot water pipes to cottages, four hundred dollars; and for cisterns and pumps in the cottages, and soft water connections perfected in the main building, five hundred dollars.

Appropriations made.

SEC. 2. That the several sums appropriated by the provisions of this act shall be passed to the credit of the State Public School, and paid to the board of control of that institution, or to its treasurer, at such times and in such amounts and manner as is now provided by law and by this act, and as may be made to appear to the Auditor General to be necessary.

Sums to be credited to State Public School; how paid out.

SEC. 3. That one-half of the aggregate sum of the appropriations made by this act, the Auditor General shall add to and incorporate with the tax for the year eighteen hundred and eighty-five, and the other half of the appropriations made by this act, the Auditor General shall add to and incorporate with the tax for eighteen hundred and eighty-six, which sum, when collected, shall be passed to the credit of the general fund.

Tax for.

Ordered to take immediate effect.

Approved April 29, 1885.

## [No. 69.]

AN ACT to amend chapter one hundred eighty-nine, of the compiled laws of eighteen hundred seventy-one, being chapter two hundred sixty-three of Howell's Annotated Statutes, relative to the trial of issues of fact, by adding thereto a new section to stand as section seventy-three.

Chapter  
amended.

SECTION 1. *The People of the State of Michigan enact*, That a new section be added to chapter one hundred eighty-nine of the compiled laws of eighteen hundred seventy-one, being chapter two hundred sixty-three of Howell's Annotated Statutes, relative to the trial of issues of fact, to stand as section seventy-three, and to read as follows:

Trial in pro-  
gress at close of  
term.

SEC. 73. Whenever at the close of any term of any circuit court of this State the trial of a cause shall be in progress, such trial shall continue until the same is determined, and the trial shall not be construed as prolonging said term, nor to prevent the commencement of the succeeding term.

Ordered to take immediate effect.

Approved April 30, 1885.

## [No. 70.]

AN ACT to establish and regulate a mining school in the Upper Peninsula.

School estab-  
lished.

SECTION 1. *The People of the State of Michigan enact*, That a school shall be established in the Upper Peninsula of the State of Michigan, to be called the Michigan Mining School, for the purpose and under the regulations contained in this act.

Board of con-  
trol.

SEC. 2. The said school shall be under the control and management of a board of six members, not less than four of whom shall be residents of the Upper Peninsula of the State of Michigan, who shall be known as the "Board of Control of the Michigan Mining School," and who shall be appointed by the Governor of the State of Michigan, by and with the consent of the Senate, two of whom shall hold office for a term of two years, two for a term of four years, and two for a term of six years, as may be designated by the Governor at the time of their appointment, and who shall serve without compensation.

Meetings of.

SEC. 3. The said board shall hold its first meeting at the village of Houghton, on the fifteenth day of July, in the year one thousand eight hundred and eighty-five, and may adjourn the same as it may see fit. Meetings may be called subsequently, at such place and time as any two members of the board may appoint, by notice served personally or sent by mail two weeks previous thereto, or in such other manner as they may direct, and all meetings may be lawfully adjourned at their pleasure. Four members of the board shall form a quorum for business, and any two may hold a meeting open by adjournment, from time to time, not more than two weeks in all, provided a quorum shall not be present at the time appointed

Quorum.

for such meeting. At the first meeting, or as soon thereafter as President. may be, the said board shall elect one of their number president, who shall hold his office until the expiration of the shortest term of office of any member then in office, and whose powers shall be defined and regulated by the board. In case of the neglect or ina- Failure to elect. bility of such board to elect a president, for the period of thirty days after the time of the first meeting, when a president might have been elected, it shall be the duty of the judge of the twenty- Judge of 25th fifth judicial circuit to designate one of said board as president for circuit to appoint. the ensuing two years. The board shall also appoint from time to Treasurer. time, a treasurer, who shall, before entering upon the duties of his Bond of. office, give bonds to the people of this State, to be deposited with said board, in such sum (not less than twice the amount of money likely to come into his hands), and with sureties as shall be fixed and directed by the board, and a secretary, out of its own number Other officers, or otherwise, and such other officers and assistants as it may see fit, etc. whose powers and duties shall also be regulated by the board, but subject to the provision that no money shall be paid out, nor any contract be made, or act done, involving the payment of money or the disposal of property, except in pursuance of a vote of the board.

SEC. 4. As soon as the means in its hands will permit, without Location, build- incurring indebtedness, said board shall proceed to obtain a suita- ings, furnishing, ble location, and lease or erect such buildings, and procure such etc. furniture, apparatus, library, and implements, as may be necessary for the successful operation of said school, and to appoint a prin- Appointment of cipal, and such other teachers and assistants as the board may deem principal, etc. expedient, with salaries, to be paid from time to time, as it may Salaries of. agree, and to regulate their duties; but no agreement shall be valid May discharge whereby such board shall be prevented from discharging any one in on two months' their employ upon two months' previous notice. notice.

SEC. 5. The course of instruction shall embrace geology, miner- Course of alogy, chemistry, mining, and mining engineering, and such other instruction. branches of practical and theoretical knowledge as will, in the opinion of the board, conduce to the end of enabling the students of said institution to obtain a full knowledge of the science, art, and practice of mining, and the application of machinery thereto. Tuition shall be free in said institution to all *bona fide* residents of Free tuition to this State, but a reasonable charge for incidental expenses, not less residents of than ten dollars, nor exceeding thirty dollars, per year, may be made State. against any student, if deemed necessary, and the board shall not May charge for be obliged to furnish books, apparatus, or other materials for the incidental ex- use of students. penses.

SEC. 6. The course of study, the terms, and the hours of instruc- Rules, regula- tion, shall be regulated by the board, who shall also have power to tions, etc. make all such rules and regulations concerning the admission, control, and discipline of students, and other matters as may be deemed necessary for the good government of the institution and the convenience and transaction of its business.

SEC. 7. No debt shall be contracted beyond or apart from the actual means at the disposal of the institution. The board may Contracting of debt limited. dispose of or lease any property donated to the State for the pur-

Dispose of or lease property.	poses of said school, or which may be acquired in payment of debts, except of such as is necessary for the accommodation of the school.
Limitation as to mining and purchase of land.	The board shall not enter upon the business of mining, or pursue the same, except so far as it may be deemed necessary in the course of instruction, nor shall they purchase any lands beyond what are required for the reasonable accommodation of the school.
Duty of board as to collection of minerals, etc.	SEC. 8. It shall be the duty of said board to provide for obtaining and establishing a complete collection of minerals of the Upper Peninsula, and properly classifying the same; and also to give attention to obtaining, and preserving, all such information, statistical, and scientific, as may be had in regard to the mineral resources of the Upper Peninsula, and all important discoveries and improvements in developing the same; and to this end it shall provide for a full report, annually, from one or more of the persons engaged as teachers in said school. The board shall annually, on or before the first day of November, make a report of its doings to the Superintendent of Public Instruction, and shall transmit therewith a copy of the scientific report before mentioned, as well as a general report, showing their receipts and expenditures, as well as the general affairs of said school.
Annual report.	
Vacancies in board, how filled.	SEC. 9. Vacancies in said board may be filled by the Governor of the State of Michigan, and persons appointed to fill such vacancies shall hold until the next session of the Legislature succeeding such appointment, when such vacancies shall be filled by the appointment of a person or persons who shall enter upon his or their duties at once thereafter, and hold respectively for the unexpired term of the member or members whose death, resignation, or removal from office occasioned such vacancy.
Appropriation made.	SEC. 10. The sum of twenty-five thousand dollars is hereby appropriated from the general fund in the State treasury for the purpose of carrying out the provisions of this act, and the same shall be incorporated in the State tax as follows, to wit: for the year eighteen hundred and eighty-five, fifteen thousand dollars, and for the year eighteen hundred and eighty-six, ten thousand dollars. And the sums when collected shall be placed by the Auditor General to the credit of said mining school, and may be drawn by the treasurer of said board of control upon warrants drawn by the secretary and approved by the board.
How drawn.	This act is ordered to take immediate effect. Approved May 1, 1885.

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[No. 71.]

AN ACT to provide for keeping in repair a certain State road in St. Clair county.

Mussey and  
Lynn State  
road.

SECTION 1. *The People of the State of Michigan enact*, That from and [after] the completion of the Mussey and Lynn State road (so-called), commencing at the southeast corner of the northeast quarter of section four, in the township of Mussey, in the county of



St. Clair, and running from thence north to the northeast corner of section sixteen, in the township of Lynn, in said county, and after it has been accepted by the commissioner of State swamp lands, as finished according to the contract for its construction, the non-resident highway taxes, hereafter assessed upon sections four, five, and six in said township of Mussey, or any parts thereof, and upon sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four, in said township of Lynn, or any parts thereof, for the period of seven years from and after the passage of this act, are hereby appropriated for keeping said road in repair.

Certain highway taxes appropriated for keeping in repair.

For seven years.

SEC. 2. It is hereby made the duty of the commissioners of highways of each of said townships of Mussey and Lynn, and they are hereby required, each for their respective townships to cause so much of said taxes, or the proceeds thereof, as may be assessed and collected in their respective townships, to be expended in keeping such part of said road as is located in their respective townships in repair for the period prescribed in the preceding section of this act.

Duty of commissioners of highways in the matter.

Approved May 4, 1885.

[No. 72.]

AN ACT making an appropriation of fifteen thousand dollars as a working capital for the Northern Michigan Asylum for the Insane.

SECTION 1. *The People of the State of Michigan enact*, That the sum of fifteen thousand dollars be and the same is hereby appropriated out of the State treasury to the Northern Michigan Asylum for the Insane, for a working capital for said asylum.

Appropriation.

Working capital.

SEC. 2. That the moneys appropriated hereby may be drawn from the State treasury upon the warrant of the Auditor General, in such sums and at such times as shall be made to appear to him necessary for the purposes specified in section one of this act, and when so drawn they shall be credited in the current expense account, and used only for such expenditures as are properly chargeable to that account, as the same is kept on the books of said asylum, and their receipt and disbursement shall be accounted for by duplicate vouchers and monthly accounts current, as provided for by act number one hundred and forty-eight of the laws of eighteen hundred and seventy three.

How drawn.

Uses limited.

Accounting for.

Approved May 4, 1885.

[No. 73.]

AN ACT making an appropriation for furnishing and providing apparatus for the Northern Asylum for the Insane, at Traverse City, Michigan.

SECTION 1. *The People of the State of Michigan enact*, That the

Appropriation.

## Purpose of.

sum of one hundred and twenty-one thousand seven hundred dollars be and the same is hereby appropriated out of the State treasury for furnishing and providing apparatus for the Northern Asylum for the Insane at Traverse City, Michigan, for the following purposes: Furnishing wards for five hundred patients and fifty attendants; furnishing administration building, and dormitories of shop and chapel buildings, including three dining rooms, thirty thousand three hundred and seventy-five dollars; furnishing offices, chapel, and dispensary, two thousand four hundred and seventy-five dollars; cooking apparatus, laundry apparatus, baking apparatus, iron working apparatus, and carpenter apparatus, seven thousand six hundred and sixty dollars; heating apparatus, including boilers for power purposes, forty thousand two hundred and forty-five dollars; plumbing of asylum complete, including hot and cold water distribution, and hot water boilers, thirteen thousand three hundred and seventy-five dollars; sewers, drains, and cisterns, three thousand four hundred and thirty dollars; implements, vehicles, and utensils; stock, including farm and carriage horses; engines, ninety-two-horse power, complete in place, and shafting, hangers, belting, pulleys, etc., seven thousand three hundred and forty dollars; fire protection, four thousand one hundred and fifteen dollars; ventilation, including fan and engine for same, three thousand five hundred and seventy dollars; grading, one thousand six hundred dollars; telephone communication, dumb waiters, and asylum bell, one thousand seven hundred and five dollars; sidewalks and airing courts, one thousand two hundred and sixty dollars; scientific instruments, books, pictures, musical instruments, etc., one thousand eight hundred dollars; supplying asylum with water, including pump and well complete, two thousand seven hundred and fifty dollars; total, one hundred and twenty-one thousand seven hundred dollars.

## When and how payable.

SEC. 2. Said sum of one hundred and twenty-one thousand seven hundred dollars appropriated in the foregoing section, for the purpose [purposes] therein stated, shall be payable at once, if needed for immediate use, out of any moneys in the treasury of this State not otherwise appropriated, and the same may be drawn by the treasurer of the board of commissioners of the said Northern Asylum for the Insane, upon warrants made by their secretary and approved by the said board, from time to time, as the same may be needed and necessary to carry out the provisions of this act.

## Uses limited.

SEC. 3. The several sums hereby appropriated shall be used for the several purposes in this act named; and if it shall be found that any of the sums herein appropriated are more than is needed for the specific purpose named in this act, so that a balance shall remain unexpended, such balance shall be returned to the State treasury.

## Balances.

This act is ordered to take immediate effect.

Approved May 4, 1885.

## [No. 74.]

AN ACT to amend section two of act number twenty-seven, of the session laws of eighteen hundred and eighty-two, approved March fifteenth, eighteen hundred and eighty-two, entitled "An act to provide for the incorporation of the Grand Council of the Royal Templars of Temperance, and any select council of the order in the State of Michigan."

SECTION 1. *The People of the State of Michigan enact*, That section two of act number twenty-seven of the session laws of eighteen hundred and eighty-two, approved March fifteen, eighteen hundred and eighty-two, entitled "An act to provide for the incorporation of the Royal Templars of Temperance, and any select council of the order in the State of Michigan," be and the same is hereby amended so as to read as follows: Section amended.

SEC. 2. When all the foregoing requirements are complied with, the Grand Council of the Royal Templars of Temperance of the State of Michigan shall be a body corporate and politic by the name expressed in such articles of association, and by that name shall be a person in the law capable of suing and being sued, with full power and authority to transact the business of said association pursuant to the edicts of the Supreme Council of the Royal Templars of Temperance, and the constitution, laws, and by-laws thereof, and the constitution, laws, and by-laws legally adopted, certified, and filed in the office of the Secretary of State, of this association and a copy of said articles of association and of the affidavit required by the fourth sub-division of section one of this act, duly certified by the Secretary of State, shall be *prima facie* evidence in all the courts of this State of the existence and incorporation of said Grand Council of the Royal Templars of Temperance. Body corporate, politic, etc.  
Constitution, etc., to be filed in Secretary of States' office.  
Evidence of incorporation.

Approved May 6, 1885.

## [No. 75.]

AN ACT to amend chapter one hundred and six, of the compiled laws of eighteen hundred and seventy-one, being chapter one hundred and sixty-seven, of Howell's Annotated Statutes, relative to industrial schools, by adding two new sections thereto to stand as sections seven and eight.

SECTION 1. *The People of the State of Michigan enact*, That chapter one hundred and six, of the compiled laws of eighteen hundred and seventy-one, being chapter one hundred and sixty-seven, of Howell's Annotated Statutes, be amended by adding thereto two sections to stand as sections seven and eight. Chapter amended.

SEC. 7. Any corporation organized under this act may take into its care and guardianship any child under sixteen years of age, by consent in writing of its father, or, in case its parents are not living together, with the consent in writing of the parent who has the legal custody of said child, or, in case the child is a charge, or about to When and how child under 16 may be taken.

Power and duties as to child so taken.	become a charge upon the public, with the consent in writing of the director of the poor of the city or township, or any one of the superintendents of the poor of the county in which such child has been last resident, and thereupon such corporation shall have the same power and authority, and be charged with same duties concerning such child, as by law devolve upon parents. And such corporation
To apprentice.	shall be by its proper officers authorized and empowered to indenture or apprentice to a responsible person or persons any such child or children who are now, or may hereafter be in charge of such corporation, until such children shall respectively become of lawful age, and to make such indenture, in each case, as binding and effective, in all respects, as if the indenture had been executed by the parents or guardians of such children: <i>Provided</i> , That such corporation shall reserve the right in any such indenture to withdraw such child from any person or persons to whom it may be indentured, when, in their opinion, the interests of the child require it.
Proviso.	
Articles of association may be amended so as to embrace.	SEC. 8. The members of such corporation, at any regular meeting thereof, called for that purpose, may amend their articles of association so as to embrace the charitable objects now authorized by law for the incorporation of hospitals and asylums, or any portion thereof, and may thereupon prepare amendatory articles of association, which shall be certified by the president and secretary, under the seal of the corporation, and filed and recorded, as required for the original articles.
Filed and recorded.	
	Approved May 6, 1885.

## [No. 76.]

AN ACT to amend sections one and two of an act entitled "An act to amend an act entitled an act to require supervisors, directors, and overseers to make certain annual reports to the county superintendents of the poor, approved April twenty-third, eighteen hundred and seventy-five, and to add one new section thereto," approved May twenty-seven, eighteen hundred and seventy-nine, being sections eighteen hundred and ten and eighteen hundred and eleven of Howell's Annotated Statutes of eighteen hundred and eighty-two.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two of an act entitled "An act to amend an act entitled an act to require supervisors, directors, and overseers to make certain annual reports to the county superintendents of the poor, approved April twenty-third, eighteen hundred and seventy-five, and to add one new section thereto, approved May twenty-third, eighteen hundred and seventy-nine," being sections eighteen hundred and ten, and eighteen hundred and eleven of Howell's Annotated Statutes of eighteen hundred and eighty-two, be and the same are hereby amended to read as follows:

Directors of the poor and supervisors to make report to county superintendents of the poor.

(1810) SEC. 1. It shall be the duty of any director or overseer of the poor authorized by law to furnish relief to poor persons and of the supervisor of each township, district, or ward in this State on

the last day of September, and on the last day before his term of office shall expire, to make and transmit to the county superintendents of the poor of the county in which such township, district, or ward is situated a full statement or report of the number of poor persons relieved or maintained by him since the date of his last report, with the names of the heads of families and the number of persons in each family, also the names of persons not members of any family who have received assistance and the causes of their indigence, if he can ascertain the same, the amount paid for transportation, for medical attendance and for funeral expenses, also his charges for services, and any and all other facts and expenditures necessary to a complete showing of his transactions and of the condition of such persons. Said report shall be made in such form as the Secretary of State shall prescribe, and the Secretary of State shall prepare and annually transmit blanks for that purpose to the county superintendents of the poor, who shall distribute them to the several directors and overseers of the poor and supervisors in their respective counties; and such reports shall be made by the directors, overseers, and supervisors in the counties where the poor are made a township or city charge, as well as in counties where they are all made a county charge, and any supervisor, director, or overseer who shall neglect or refuse to make such report shall be guilty of a misdemeanor, and on conviction thereof may be punished as prescribed by law for the commission of such offenses.

What required to state.

Form of reports, duty of Secretary of State as to.

Penalty for failure to comply with this act.

(1811) SEC. 2. Every supervisor, director, or overseer of the poor who shall make the reports herein provided for shall receive as full compensation therefor the sum of five cents each for the first twenty-five families and persons not members of any family so relieved, and the sum of three cents for each of such families and persons above that number, to be paid by the county treasurer out of the general fund on the certificate of the superintendents of the poor that said reports have been made in all respects as required by law, but no supervisor, director, or overseer shall receive less than twenty-five cents for each report so made out and forwarded to the superintendents of the poor.

Compensation paid for reports.

Approved May 6, 1885.

[No. 77.]

AN ACT to amend section two, chapter fifty of the compiled laws of eighteen hundred seventy-one, being compiler's section eighteen hundred seventeen, relative to the support of poor persons by the public, the same being section one thousand seven hundred and fifty-six of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section one thousand seven hundred and fifty-six of Howell's Annotated Statutes, being section one thousand eight hundred and seventeen of the compiled laws of eighteen hundred seventy-one, be and the same is hereby amended so as to read as follows:

Section amended.



Appointment of superintendents of the poor.	§ (1756) SEC. 2. It shall be the duty of the supervisors of each county, at their annual meeting in the year eighteen hundred and sixty-nine, to appoint three discreet electors of such county, to be
Term of office.	superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years; and at their annual session in each year thereafter they shall appoint one superintendent, who shall hold his office for the term of three years and until his successor is appointed and qualified:
Proviso; filling vacancies.	<i>Provided</i> , That in case of a vacancy caused by the death or removal of either of said superintendents, or otherwise, the supervisors shall, at their first meeting held after such vacancy occurs, appoint a successor for the unexpired term. Before entering upon the duties of his office each superintendent shall take the oath of office prescribed in the eighteenth article of the constitution, and
Oath of superintendents.	file the same in the office of the county clerk: <i>Provided, further</i> , That in the county of Wayne the superintendents of the poor shall consist of the three superintendents appointed by the supervisors, and of the members of the board of poor commissioners of the city of Detroit, and a majority of the whole number shall be a quorum for the transaction of business: <i>Provided</i> , That the members of the Board of Poor Commissioners of the city of Detroit shall receive no compensation from the county of Wayne for their services.
Proviso; Wayne county.	
Proviso as to compensation of poor commissioners of city of Detroit.	

Ordered to take immediate effect.

Approved May 11, 1885.

[No. 78.]

AN ACT to amend section six of chapter forty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's section sixteen hundred thirty-eight of Howell's Annotated Statutes of Michigan for eighteen hundred eighty-two, relative to burial grounds.

Section amended.	SECTION 1. <i>The People of the State of Michigan enact</i> , That section six of chapter forty-six of the compiled laws of eighteen hundred seventy-one, being compiler's section sixteen hundred thirty-eight of Howell's Annotated Statutes of Michigan for eighteen hundred eighty-two, be and the same is hereby amended so as to read as follows:
Board to hold lands in trust.	SEC. 6. The board of health of the township for which such burying-ground shall be procured, and their successors in office, shall hold the fee of such land in trust for such township; and they shall keep the same, or so much thereof as shall be necessary, surrounded with a good and substantial fence; the expense of the purchase of such lands, and of fencing and regulating the same, to be certified to the town board by the board of health, and by the town board provided for as a part of the contingent expenses of the township: <i>Provided, however</i> , That the board of health may, whenever they think it desirable, sell and convey single or family burial lots in said township burying-grounds to such person or per-
To be fenced.	
Expenses, how provided for.	
Proviso.	



sons as may desire to procure the same, and apply the proceeds thereof towards the purchase or improvement of said grounds, certifying the amount of all such sales and expenditures to the township board, as above provided: *Provided further*, That before said board of health shall sell or offer to sell any lot or lots as above provided, they shall cause said burying-ground to be laid out in such form as they may choose, and cause two maps thereof to be made, which maps shall accurately describe the lands belonging to such burying-grounds, its boundaries and location, with the lots or subdivisions named or numbered thereon, and also their size, situation, and extent, with the width, extent, and location of all the streets, alleys, or walks in such burying-ground, which maps shall be prepared under the supervision and direction of the health officer and clerk of said board of health, and certified by them to be a correct map of the said burying-ground. One of said maps shall be filed with the clerk of said board of health and the other with the register of deeds of the county in which such burying-ground is situated. Idem.

Approved May 11, 1885.

[No. 79.]

AN ACT to amend section two, chapter two hundred and sixty-two of the compiled laws of eighteen hundred and seventy-one, being section nine thousand five hundred and seventy-seven, compiler's section of the Statutes of the State of Michigan in force, compiled and annotated by Andrew Howell, relative to the settlement of exceptions in criminal cases, and amendatory of such act in providing for the return of bills of exceptions and records to the Supreme Court.

SECTION 1. *The People of the State of Michigan enact*, That section two, of chapter two hundred and sixty-two of the compiled laws of eighteen hundred and seventy-one, being section nine thousand five hundred and seventy-seven, compiled section of the Statutes of the State of Michigan in force, compiled and annotated by Andrew Howell, be and is hereby amended so as to read as follows: Section amended.

SEC. 2. Any person who shall be convicted of any offense before any court of record, considering himself aggrieved by any opinion, direction, or judgment of the court in any matter of law, may allege exceptions to such opinion, direction, or judgment, which exceptions being reduced to writing in a summary mode, and presented to the judge before whom the case was tried before the end of the term, and if found conformable to the truth of the case, shall be allowed and signed by the judge, and by him filed with the clerk of his court, and within ten days thereafter it shall be the duty of such clerk to make return of said exceptions and the records of the cause to the clerk of the Supreme Court: *Provided*, That in all cases taken to the Supreme Court under this statute the respondent shall make and file with the clerk of the Supreme Court within five days after the return of the record to said court a state- Exceptions may be alleged, etc.  
When filed.  
Duty of clerk.  
 proviso.

ment of the errors upon which he intends to rely, and within the same time he shall serve upon the Attorney General a copy of such alleged errors.

Approved May 11, 1885.

[No. 80.]

AN ACT providing for the erection of two infirmaries at the Eastern Asylum for the Insane, and making an appropriation for the erection of one of said infirmaries by taxation.

Appropriation  
made.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated out of the State treasury for the Eastern Michigan Asylum at Pontiac, the sum of fifteen thousand dollars for the erection of one infirmary building, and that from surplus and unexpended funds now on hand and in the treasury of or belonging to said Eastern Asylum funds be appropriated the sum of fifteen thousand dollars for the erection of another infirmary building in addition to the one above named.

Tax for.

SEC. 2. That there shall be assessed upon the taxable property of the State in the year eighteen hundred and eighty-five, the sum of fifteen thousand dollars, which shall be assessed, levied, and collected in the same manner as other State taxes are by law assessed, levied, and collected, which tax, when collected, shall be credited up to the general fund, to reimburse the same for the amounts drawn therefrom, as provided in section one of this act.

How drawn, etc.

SEC. 3. That the moneys appropriated hereby for the first named infirmary building may be drawn from the State treasury upon the warrant of the Auditor General, in such sums and at such times as shall be made to appear to him necessary; they shall be expended only for the purpose specified, and their receipt and disbursement shall be accounted for by duplicate vouchers and monthly accounts current, as provided for by act number one hundred and forty-eight, of the laws of eighteen hundred and seventy-three.

This act is ordered to take immediate effect.

Approved May 11, 1885.

[No. 81.]

AN ACT to provide for the publication of useful information derived from experiments made in the different departments at the Agricultural College.

State Board of  
Agriculture  
authorized, etc.

SECTION 1. *The People of the State of Michigan enact*, That the State Board of Agriculture be and they are hereby authorized to provide from time to time, in bulletin form, for the dissemination among the people of this State, and through the medium of the public press the results of experiments made in any of the different departments of the Agricultural College, and such other information that they may deem of sufficient importance to require it to come to the immediate knowledge of the farmers and horticulturists of the State.

SEC. 2. The several professors of chemistry, zoölogy, botany, agriculture, horticulture, and veterinary science, shall each, at least twice in each year, not excluding the president and other professors, prepare for publication an article embracing such facts as they may deem of public importance, a copy of which shall be simultaneously sent to each and every newspaper published in the State, and to such persons as the State Board of Agriculture may think proper; said professors to so arrange that at least one of said articles shall be sent out, as above provided, the first week of each and every month, in each and every year.

Who to prepare  
articles, what to  
contain, etc.

SEC. 3. The Board of State Auditors shall, upon the approval of the State Board of Agriculture, audit the accounts for printing, stationery, and postage incurred in the publishing and disseminating of said bulletins and the same shall be paid out of the general fund: *Provided*, That no account for printing the same in any newspaper shall be allowed.

Auditing of  
accounts for  
printing, etc.

Proviso.

This act is ordered to take immediate effect.

Approved May 11, 1885.

[No. 82.]

AN ACT to amend compiler's section seven thousand five hundred and eight, being section seventy-eight, chapter two hundred and sixty-two of Howell's Statutes relative to the taking of depositions to be used in judicial proceedings in this State.

SECTION 1. *The People of the State of Michigan enact*, That section seventy-eight, of chapter two hundred and sixty-two, being section seven thousand five hundred and eight of Howell's Statutes, be and the same is hereby amended so as to read as follows:

Section  
amended.

(7508.) SEC. 78. Printed copies of the statute laws, and resolves of any other of the United States, or of any territory thereof or of any foreign State, if purporting to be published under the authority of the respective governments, or if commonly admitted and used as evidence in their courts shall be admitted in all courts, and in all proceedings within the State, as *prima facie* evidence of such laws and resolves.

Printed laws of  
other states, etc.

When evidence.

Approved May 11, 1885.

[No. 83.]

AN ACT to amend section one, of act number one hundred and thirty-eight, of the public acts of eighteen hundred and seventy-five, relative to subjects for dissection for the advancement of science, approved April twenty-seven, eighteen hundred and seventy-five, as amended by act number sixteen, of the public acts of eighteen hundred and eighty-one, approved March two, eighteen hundred and eighty-one, the same being section two thou-

sand one hundred and ten, of the compiled laws of eighteen hundred and seventy-one, as amended, the same being chapter seventy-two, section two thousand two hundred and eighty-four, of Howell's Annotated Statutes of Michigan.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one, of act number one hundred and thirty-eight, of the public acts of eighteen hundred and seventy-five, relative to subjects for dissection, for the advancement of science, approved April twenty-seven, eighteen hundred and seventy-five, as amended by act number sixteen, of the public acts of eighteen hundred and eighty-one, approved March two, eighteen hundred and eighty-one, the same being section two thousand one hundred and ten, of the compiled laws of eighteen hundred and seventy-one, as amended, be amended so as to read as follows:

Certain boards  
and officers to  
deliver certain  
bodies to the  
demonstrator of  
anatomy of the  
University.

SECTION 1. Any member of either of the following boards, and any of the following named officers or persons, to wit: The board of health of any city, village, or township, the common council of any city, board of trustees of any village, any board, or officer having the direction, management, charge, or control in whole, or in part, of any prison, house of correction, work-house, jail, or lock-up, founded or supported in whole or in part at public expense, having in his or their possession or control, the dead body of any person not claimed by any relative or legal representative, or the county superintendent of the poor, keepers of poor-houses and alms-houses, any physician or other person in charge of any poor-house or alms-house or charitable institution, sheriff or coroners, having in his or their possession or control the dead body of any person not claimed by any relative, personal friend, or legal representative, as hereinafter provided, and which may be required to be buried at public expense, or the expense of any one of such public institutions, or the dead body of any convict who died in prison under sentence for murder or attempt to murder, shall deliver such dead body or bodies within thirty-six hours after death, or after he or they shall become possessed thereof, to the express or railway company at the nearest railway station, placed in a plain coffin, and enclosed in a strong box, securely fastened, and plainly directed to the "Demonstrator of Anatomy, of the University of Michigan, Ann Arbor, Michigan," excepting only the dead bodies of such persons as shall have died from some infectious disease. And such boards, common councils, officers, or other persons making such shipment, shall take the usual shipping receipt for such package, and shall notify the consignee of such shipment, by letter, mailed on the day the package is so delivered as aforesaid, and shall also enclose in such letter, a statement giving, as nearly as can be ascertained, the name, age, residence, and cause of death of such deceased person, and the name and postoffice address of the known relative or relatives of such deceased person, whose body has been shipped as aforesaid; and also a statement of the costs and expenses which have been incurred in the procuring of the coffin, box, preparation of the body for shipment, and shipping the same, and upon the

Mode of  
sending.

Notice to  
consignee, etc.

receipt of said consignment, the said demonstrator of anatomy of the University of Michigan, shall immediately forward to such officer, board, council, or institution or person, or persons making such shipment, or incurring such expenses, the amount thereof, not exceeding in any case the sum of fifteen dollars: *Provided*, Amount to be paid for body. Such dead body shall not be so shipped or delivered as aforesaid, if it shall be requested in good faith, for interment, by any relative before the same shall be shipped as aforesaid; and in case the dead body of any person so delivered or shipped as aforesaid, be subsequently claimed or demanded of said demonstrator of anatomy, or of any other person or institution, into whose possession, or under whose control it may have been placed, by virtue of the provisions of this law, by any relative or legal representative of such deceased person, for private interment, it shall be given up to such claimant, even after the same shall have been interred as hereinafter provided. Proviso. Such bodies shall be used only for the purposes hereinafter mentioned, and shall then, in all cases, be interred in some suitable place kept for that purpose, and a correct record shall be kept of every such body; and all matters by which such body may be identified, coming to the knowledge of the person or officer at any time in charge of such bodies, shall be faithfully recorded at length in a book to be kept for such purposes, to the end that the same may be at any time traced and recovered by the friends and relatives of such deceased person: *And provided further*, That the institution, board, council, officer, or person aforesaid, in charge of any such body as aforesaid, shall, immediately after the death of such person, notify, if possible, by telegraph, or otherwise by letter, one or more of the nearest known relatives of such deceased person, of the death of such person; and in no case shall the body of any such deceased person be delivered or shipped as aforesaid, until after the expiration of twenty-four hours from death. How bodies to be used and disposed of. And every individual, officer, or party violating any of the provisions of this section, shall be deemed guilty of a misdemeanor. Record of matters for identity. Proviso, notice to relatives. Penalty for violation of act.

Approved May 11, 1885.

[No. 84.]

AN ACT making an appropriation of State swamp land to aid the counties of Shiawassee and Clinton to remove bars and other obstructions to the free flow of water in the Lookingglass river, and to repeal act number two hundred and thirty-nine of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize the Board of Control of State swamp lands to make an appropriation of State swamp land to aid in the removal of bars and other obstructions to the free flow of water in the Lookingglass river, in the counties of Clinton and Shiawassee," approved June eighth, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of aiding in improving the Lookingglass river, in the



**Appropriation made.**

counties of Shiawassee and Clinton, and opening, widening, and deepening the same, to the end that the large territory now periodically submerged may be reclaimed, and the sanitary condition of the adjacent lands improved, there shall be and hereby is appropriated to the counties of Shiawassee and Clinton twenty sections of swamp land in the Lower Peninsula, not otherwise appropriated; that is to say: Ten sections to the county of Shiawassee and ten sections to the county of Clinton.

**Lands selected withheld from sale, etc.**

SEC. 2. Said lands or any part or parts thereof when selected shall be withheld from sale from and after the time said counties, their assigns, or their contractor or contractors, his or their assigns under this act, respectively, shall notify the Commissioner of the State Land Office of the selection of the same, or any such part or parts, and shall be withheld for the entire time fixed by this act for the completion of the work. Upon the filing with the said Commissioner of the State Land Office the certificate of the commissioner who shall be appointed under this act, that one-half of said work in either of said counties is completed, one-half of said lands, hereby appropriated to such county shall be patented to the contractor for such county under this act. And the remainder of such lands shall be in like manner patented upon a like certificate of the entire completion of the work in such county, and in like manner shall the lands hereby appropriated to the other of said counties be patented to the contractor for such county.

**When part may be patented.**

**Patent for remainder.**

**Appointment of Commissioner to superintend construction, etc.**

SEC. 3. An application in writing signed by three or more freeholders of each of the counties of Clinton and Shiawassee, and residing in any of the townships hereinafter named, may be presented to the probate court of the county of Shiawassee for the appointment of a commissioner under this act to superintend the construction of the work herein provided for, and perform such other duties as may devolve upon him by virtue of this act. It shall be sufficient in said petition to refer to this act by date of approval and title for a description of the work, for the construction of which said commissioner is petitioned to be appointed. The court to whom such application is made shall at once issue an order directing all persons interested in said petition, and the work provided for by this act to appear before such court at a time and place therein to be specified, not less than two nor more than four weeks from the time of making such order, to show cause why such commissioner should not be appointed, and be heard with reference to the appointment of the same. A copy of such order shall be posted up in three of the most public places in each of the townships of Woodhull, Sciota, Bennington, Shiawassee, and Antrim, in Shiawassee county, and Victor, Olive, Dewitt, and Bath, in Clinton county, in this State, at least ten days before the hearing of said petition. Said court shall at the time named in said order, or at such time as the hearing may be adjourned to, not exceeding thirty days in all from the day first appointed, proceed to hear the proofs and allegations of the parties, and if it shall appear that said work is necessary, and for the good of the public health, or highways, and a means of reclaiming swamp and overflowed lands in said coun-



ties, he shall appoint such commissioner and deliver to the person so appointed a certificate of his appointment, and send a certified copy of the order appointing such person as such commissioner to the Commissioner of the State Land Office in this State.

SEC. 4. The person so appointed shall, within ten days after such appointment, take, subscribe, and file with the county clerk of said county of Shiawassee, the oath of office required by the constitution of this State; and shall, within the same time, make, execute, and file with such clerk a bond to the counties of Shiawassee and Clinton, with sufficient surety or sureties, to be approved by said county clerk, for the sum of fifteen thousand dollars (\$15,000) conditioned for the faithful performance of the trusts and duties devolved upon him by this act. Oath and bond of.

SEC. 5. In case of the failure of any person who may be appointed as the commissioner under this act, to qualify or to act as such commissioner for any cause, it shall be the duty of the probate court aforesaid, upon petition to said court duly verified, setting forth the facts upon which said petition is based, to proceed in the same manner provided in section three of this act, for the appointment of a commissioner, and appoint some other person as such commissioner. Failure to qualify.

SEC. 6. Said commissioner shall at once proceed without further petition or other preliminary proceedings (said petition to said probate court being the basis of his proceedings), to have the survey for said work made or completed, and prepare the necessary plans and specifications and detailed estimates for opening and improving the channel of said Lookingglass river, in the townships of Woodhull, Sciota, Bennington, Shiawassee, and Antrim, in the county of Shiawassee, and in the townships of Victor, Olive, Dewitt, and Bath, in the county of Clinton, or in so many of said townships as he may find advisable; and he shall establish the commencement and terminus, and determine the route, width, length, and depth thereof, and for that purpose he may enter upon any lands traversed by the proposed route of said work: *Provided*, That the said commissioner is hereby authorized to adopt the survey, map, and profile made under the direction of H. H. Pulver, local commissioner, appointed by the Board of Control of State swamp lands, for the purpose of carrying out the provisions of act two hundred and thirty-nine of the session laws of eighteen hundred and eighty-one, and to make such alterations therein as in his discretion he may deem expedient, which survey and profile has been made at the expense of said counties. Proceedings and duty of commissioner.

SEC. 7. Upon the determination of said commissioner and upon the completion of the survey, plans and specifications of said improvement, the said commissioner shall take steps to procure title to the proper county of the lands or the right of way necessary therefor, and for this purpose is hereby vested with all the powers conferred upon county or special drain commissioners, and may proceed without further petition or other preliminary proceedings, in the manner provided for acquiring title for county drains, proceeding under said petition to said probate court for the appointment of the Proviso.

Powers of drain commissioner for certain purposes.

Right of way.	said commissioner, or he may proceed under any other law of the State providing for condemning right of way. And for the purpose of carrying out the full design and intent of this act the said commissioner is hereby vested with all the powers conferred upon special drain commissioner appointed by the probate court in cases where drains are constructed affecting lands lying in more than one county, and may proceed in the same manner and be governed by the same law in the prosecution of said improvement, from its commencement to its completion, except as in this act otherwise provided, as he would or might proceed or be governed were he appointed as said special commissioner by the probate court in and for either of the counties named aforesaid, in pursuance of act number two hundred and sixty-nine of the session laws of eighteen hundred and eighty-one, or of any amendment or revision of said act. It shall not be necessary to procure of owners of lands adjoining said Lookingglass river, the right of way where, by the original survey, the said river was recognized, or the estimated area thereof deducted from sectional subdivisions. But on all such portions of the line of this contemplated improvement, full authority is hereby given to remove all obstructions to the flow of the water of such river or deepen the same.
Obstructions.	
Jurisdiction of probate court in proceedings.	And the probate court appointing said commissioner shall have jurisdiction of all proceedings in the prosecution of said improvement the same as they would or might have had, had said commissioner been appointed by said court in pursuance of said act number two hundred and sixty-nine, statute laws eighteen hundred and eighty-one, or any amendment or revision of said act. Said commissioner shall, at once, after having secured the entire right of way for said work, make an order establishing said improvement, describing the work in each county separately.
Order establishing improvement.	
Certificate of commissioner for amount of damages.	SEC. 8. The certificate of said commissioner on the proper county for the amount of any damages that may be awarded, if any, in obtaining the right of way, and made payable to the owner of the description on which such damages were awarded, describing such lands by their legal subdivision in such certificate, and tendered to the person entitled thereto, or deposited with the county clerk of said county, to be delivered to such person when called for, shall be deemed a sufficient security for the amount of such damages.
Shall be security for.	
Subscriptions in aid of improvement.	SEC. 9. The commissioner appointed under this act may solicit and receive subscription in writing from individuals, firms, and corporations in aid of the improvement provided for in this act. Such subscriptions shall be contained in two separate lists, one for the work in each of said counties. That subscription list for each respective county shall be included in the advertisement for letting the contract for said work in such county as hereinafter mentioned, and shall, by said commissioner, under this act, be assigned to the contractor of the work in such county at the time of making said contract. The time of payment of any such subscription to be as follows: One fourth of that per cent of each of said subscriptions which the proper contractor is to have for doing the work is to be due and payable at such time as the commissioner under this act shall certify that one-fourth of the work to be done by said contrac-

tor has been performed; and one-fourth of such per cent of each of such subscriptions shall become due and payable at such time as the commissioner under this act shall certify that one-half of said work has been performed; and one-fourth of such per cent of each of said subscriptions shall become due and payable at such time as the commissioner under this act shall certify that three-fourths of the work to be done has been performed; and the remainder of such per cent of said subscriptions shall be due and payable at such time as the commissioner under this act shall certify that the said contract has been completed; and it shall be the duty of the commissioner under this act to so certify in writing to said contractor when, in his opinion, one-fourth, one-half, three-fourths, and when the whole of the contract is finally completed: *Provided*, That additional subscriptions may be received after advertising to let such contracts. It being the intent of this act that the said special commissioner shall solicit aid of the several parties respectively to be benefited by this improvement.

SEC. 10. Upon the completion of said subscription lists to the satisfaction of said commissioner, said commissioner shall advertise for the letting the contracts for the construction of said work for at least four consecutive weeks in a newspaper published in each of said counties, and he shall let such work in two separate contracts, one for each of such counties, and on the same or different days, to the person or persons who will do the same according to the specifications for the least percentage of the subscriptions secured in aid of the work in such county in addition to the lands hereby appropriated to such county. Said commissioner may adjourn said letting from time to time to such other time or place to be by him at the time of such adjournment publicly announced as to him shall seem proper, but not in all more than sixty days from the time first advertised, and he may reserve the right to reject any or all bids. The contractor or contractors shall each give a bond to the said commissioner, with at least two sureties to be approved by said commissioner, in such amount and upon said terms as said commissioner shall require to secure the faithful performance of the work: *Provided*, That said contract must not be let for any amount in addition to said lands and subscription lists for said counties respectively, and the commissioner is not authorized to advertise for letting such contracts until such time as in his opinion he has secured sufficient subscriptions in one or both of said counties to secure the letting of such contract in such county; said commissioner being hereby authorized to advertise for letting the contract in each of said counties, when, in his opinion, he has secured a sufficiently large subscription list to secure the contract being let in either county. And if said commissioner shall not be able to let the contract in both of said counties on the day first advertised therefor, by reason of not being able to secure a bid therefor within the limit aforesaid, he shall adjourn the letting of the contract for such county or counties in which such contract remains unlet, and proceed to solicit additional subscriptions for the work in such county or counties, which additional subscriptions need not be included in the advertisement

Advertisement  
for contract.

Letting of.

Adjournment.

Contractor's  
bond.

Proviso.

for letting the respective contracts; but notice of such adjournment shall be published in said newspapers, together with the statement that additional subscriptions will probably be secured prior to such adjourned day.

Assignment of  
subscription  
lists, etc.

Certificates of  
completion of  
work.

Collection of  
subscription.

SEC. 11. Such subscription lists shall, by the commissioner, be assigned to the proper contractor at the time of making the contract, which contractor shall be entitled to collect his percentage of the same in four equal installments ratably, as the work is shown to have progressed by the certificate of the commissioner, which certificate said contractor shall be entitled to receive on the completion of one-fourth, one-half, three-fourths, and the whole of the respective contracts. The contractor shall be entitled to collect such installments of the several subscribers ratably in an action of debt, and all such subscriptions up to the given per cent of their face value for which the job was let shall be a legal charge and debt against the firm, individual, or corporation making the same, until paid; but all that portion, if any, of such subscriptions over and above the percentage of the par or face value thereof for which the job was let are hereby made void and returned to the several subscribers respectively.

Insufficient  
subscription,  
commissioners  
action there-  
upon, etc.

SEC. 12. It is hereby provided that, if, after the expiration of six months from the date of the order establishing said improvement, said commissioner shall not have secured a sufficient amount of subscriptions in either of said counties, to, in his opinion, secure the letting of the contract in either of said counties, or, if after having endeavored to let the contract in either or both of said counties as aforesaid, said commissioner is unable to let such contracts, or either of them, within the said sixty days, said commissioner shall estimate the amount of subscriptions (from responsible parties) that would be required to secure the contract being let in such county or counties respectively, and he shall advertise the same in such manner as he may deem best, together with the information that if the required amount of subscriptions shall not have been received within thirty days thereafter, that the work so far as had subsequent to the appointment of such commissioner in the county or counties in which such contract remains unlet, will be abandoned. If, at the expiration of said thirty days, such subscriptions shall have been received in sufficient amount to, in the opinion of said commissioner, secure the letting of either or both of such contracts, he shall advertise in such newspapers as aforesaid, for letting such contract or contracts. And, on the day thus first set for letting such contract or contracts, said commissioner shall let either or both of such contracts in all respects as hereinbefore provided; but if either of said contracts shall remain unlet, or if, after advertising therefor as aforesaid, a sufficient amount of subscriptions shall not have been secured, said commissioner shall make an order abandoning the work so far as had in such county or counties in which the contract has not been let: *Provided*, That the abandonment of the work in either of said counties shall not affect the validity of the same in the other of said counties, but that the contract for the work in such county as shall have been let, and the work in such county shall

Provided.

remain in full force and effect notwithstanding the failure to let the contract in such other county: *Provided further*, That upon the application of five freeholders residing in the county in which such work has been abandoned as aforesaid to said commissioner, he shall be authorized to again establish the work in such county anew, so modifying and limiting the prior plans and specifications and extent of such work in such county as to cheapen the same to that extent that he will, in his opinion, be able to let such contract or contracts, and he shall obtain new right of way and new subscriptions for such work in all respects as hereinbefore provided for the original work as originally established, and shall proceed to let the contract as also hereinbefore provided for said original work to the final completion of the same. Idem.

SEC. 13. The cost of constructing said improvement, together with the expenses incident thereto in excess of the appropriation hereby made and of any contributions which the said commissioner may secure, may be assessed upon, and when so assessed shall be paid by the said counties by reason of the benefit to the public health and as a means of improving any public highway in said counties. The same to be paid equally, share and share alike, except as herein otherwise provided. Upon the letting of such contracts, or on making the order abandoning the work in either of said counties, the commissioner shall make a computation of the costs of such improvement, in excess of the land hereby appropriated, and any reliable contributions he may have secured to aid said work, which shall include all the expenses of locating, and establishing the same, including the commissioner's compensation at the rate of three dollars per day for the time actually employed, cost of survey, fees, and expenses incident to determining damages, the amount of damages, if any, and all their other expenses not otherwise provided for. He shall add the whole in a gross sum, which amount, when so ascertained, he shall apportion to the said counties of Clinton and Shiawassee respectively, share and share alike; *Excepting, First*, That whatever damages may be awarded in securing the right of way shall be paid by the county in which the lands lie for which such damages were awarded; *And excepting, Second*, That in case the work in either of said counties shall have been abandoned, as provided in the last preceding section of this act, all expenses incurred subsequent to the making of the first order abandoning such work, shall be paid by the counties in which such work lies respectively. Said commissioner shall issue certificates for the aforesaid expenses incurred in said work, issuing one-half in amount of such certificates on each of such counties, except as aforesaid, and shall make two certified copies of such computation of cost fully itemized in detail, and attach to each a complete list of all certificates issued to said date of making such computation, and deliver such copy to the county clerk of each of such counties as soon as practicable after such letting of such contracts, or the abandonment of the work in either or both of said counties, and it is hereby made the duty of the respective boards of supervisors of said counties to audit and pay their respective share of all such Expenses in excess of appropriation, etc., how paid.

Exception.

Idem.



Proviso.	necessary expenses: <i>Provided</i> , That if said work shall have been abandoned in either of said counties as aforesaid, said commissioner shall, upon the letting of the contract for such work, or making the second order abandoning the same, make a separate computation of the expenses of the work incurred in such county subsequent to such abandonment, and present a certified copy of the same to the county clerk of the proper county as aforesaid, and the board of supervisors of such county shall in like manner audit and pay such necessary expenses incurred thereon subsequent to such first order of abandonment, in addition to the one-half share of the expenses prior thereto.
When completed to be under control of.	SEC. 14. Said improvement shall be under the control of the county drain commissioner of each county in which the same is situated, after the rendering of the final account of the commissioner, as provided for in the last preceding section. Each county drain commissioner shall have charge of that portion of said improvement lying in his respective county: <i>Provided</i> , That if there shall be no county drain commissioner in either of said counties, the said improvement lying in such county having no county drain commissioner shall be under the control of the township drain commissioner of each township in such county in which such improvement extends, each such township drain commissioner having charge of that portion of said improvement lying in his respective township.
Obstruction, etc., of improvement.	SEC. 15. If any person shall willfully or maliciously remove any division stake, set along the line of said work, or if any person shall obstruct or injure said improvement, either before or after completion, by falling timber or brush into the same, or otherwise, he shall, for each and every such offense be subject to a penalty of ten dollars, together with such sum as will be required to repair such damage, and costs of suit, which penalty may be recovered in an action of debt at the suit of the commissioner under this act, for any such offense committed before the rendering of the final account of said commissioner mentioned in section sixteen of this act, and at the suit of the drain commissioner of the county or township in which such offense was committed, if committed, after the rendering of said final account: <i>Provided</i> , If any person guilty of said offense shall repair all such damage within five days after being notified so to do by the proper person, he shall not be liable under this section.
Penalty for.	
Proviso.	
Completion in 5 years required.	SEC. 16. This improvement shall be completed within five years from the passage of this act, and upon the completion of the work provided for in this act the said commissioner or his successor shall file with the county clerk of each county a complete account of his doings hereunder, together with the survey plans and specifications used; a statement of the cost of the improvement in excess of the lands granted, and the amount of such excess paid by each subscriber thereto; all the releases obtained of the right of way, and a statement showing what proceedings were had to obtain right of way, if any, when had, and what amounts, if any, were awarded as damages; a statement showing what amounts, if any, have come into his hands as such commissioner, from whom received and to whom paid, all of which statement shall be made under oath. Whereupon if it shall appear to the county clerk of each of said counties that the
Commissioners account to be filed, etc.	
Surrender of bond of.	



said commissioner has faithfully discharged his duties under this act, the county clerk of Clinton county shall so certify to the county clerk of Shiawassee county, and said last mentioned county clerk shall cancel and surrender the bond mentioned in section three of this act: *Provided*, That certified copies of original papers may be filed in Clinton county, and the originals filed in Shiawassee county: *And provided further*, That a return of all proceedings had after such first order of abandonment shall be made only to the county in which such portion of the work lies. Provideo.  
Idem.

SEC. 17. Act two hundred and thirty-nine of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize the Board of Control of State swamp lands to make an appropriation of State swamp land to aid in the removal of bars and other obstructions to the free flow of water in the Lookingglass river, in the counties of Clinton and Shiawassee," be and the same is hereby repealed, saving all acts done in relation to the aforesaid survey, map, and profile, which survey, map, and profile is hereby legalized and made valid for the purposes of this act, as hereinbefore provided, and the State hereby divests itself of all control, supervision, or responsibility, on account of the improvement of said Lookingglass river in the towns named, beyond the grant of land made by section one of this act. Act repealed.

This act is ordered to take immediate effect.

Approved May 11, 1885.

[No. 85.]

AN ACT making appropriations for the current expenses of the State Normal School for the years eighteen hundred and eighty-five and eighteen hundred and eighty-six.

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer shall transfer from the general fund to the Normal School interest fund the sum of thirty-two thousand five hundred dollars (\$32,500) for the year eighteen hundred and eighty-five (1885), and the sum of thirty-two thousand five hundred dollars (\$32,500) for the year eighteen hundred and eighty-six (1886), which sums are hereby appropriated for the current expenses of the State Normal School for the years above named, and shall be drawn from the treasury on the presentation of properly certified requisitions of the State Board of Education to the Auditor General, and on his warrant upon the State Treasurer. Appropriation.  
Current expenses.  
How drawn.

SEC. 2. The Auditor General shall incorporate in the State tax for the year eighteen hundred and eighty-five (1885) the sum of thirty-two thousand and five hundred dollars (\$32,500), and in the State tax for the year eighteen hundred and eighty-six (1886) the sum of thirty-two thousand five hundred dollars (\$32,500), which tax when collected shall be credited up to the general fund to reimburse the same, the sums to be drawn therefrom as provided in section one of this act: *Provided*, That the sum of one thousand five hundred Tax for.  
Provideo.

dollars (\$1,500) of said amount shall be used annually for library and for no other purpose whatever.

Ordered to take immediate effect.

Approved May 11, 1885.

[No. 86.]

AN ACT making an appropriation for rebuilding walks at the State Normal School.

Appropriation made.

Sidewalks.

How drawn.

Tax for.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury the sum of seven hundred dollars (\$700), for the year one thousand eight hundred and eighty-five (1885), for reconstructing sidewalks, which sum shall be expended under the direction of the State Board of Education, for the purposes aforementioned, and shall be drawn from the treasury on the presentation of the proper certificates of the said board of education to the Auditor General, and on his warrant to the State Treasurer.

SEC. 2. There shall be assessed upon the taxable property of the State in the year eighteen hundred and eighty-five (1885), the sum of seven hundred dollars (\$700), to be assessed in like manner as other State taxes are by law levied, assessed, and paid, which tax when collected shall be credited to the general fund to reimburse the same, the sum to be drawn therefrom as provided in this act.

Ordered to take immediate effect.

Approved May 11, 1885.

[No. 87.]

AN ACT to provide for the preparation and publication of an index to the general laws passed at the sessions of the Legislature for the years eighteen hundred and eighty-two, eighteen hundred and eighty-three, eighteen hundred and eighty-five, and at stated periods thereafter.

Index to general laws since 1881.

SECTION 1. *The People of the State of Michigan enact*, That the officer or officers entrusted with the preparation for publication of the session laws of eighteen hundred and eighty-five shall prepare and cause to be published with the same a full and complete index of all the general laws enacted by the Legislature during the years eighteen hundred and eighty-two, eighteen hundred and eighty-three, and eighteen hundred and eighty-five; such index to give briefly subject matter of law, reference to year, page of session law, and to section of Howell's Statutes altered, amended, or repealed, so arranged as to secure easy reference to Howell's Statutes, and any changes made in same by alteration, amendment, or repeal.

For future years.

SEC. 2. Such index as that provided for in section one of this act shall hereafter be prepared and published with the session laws of each succeeding Legislature, giving as above provided, by reference

to subject matter, chapter and section of Howell's Statutes, all changes, alterations, amendments, and repeals from the date of such compilation to the date of such index, until there shall be another general revision or compilation of the general laws of the State.

SEC. 3. The compensation for the preparation of the indexes above provided for shall be such as shall be allowed by the Board of State Auditors, on presentation of bills for the same, itemized and verified as said Board of State Auditors shall from time to time require.

This act is ordered to take immediate effect.

Approved May 11, 1885.

[No. 88.]

AN ACT making appropriation for the institution for educating the deaf and dumb for the years eighteen hundred and eighty-five and eighteen hundred and eighty-six.

SECTION 1. *The People of the State of Michigan enact*, That the sum of fifty thousand dollars for the year eighteen hundred and eighty-five and the further sum of fifty thousand dollars for the year eighteen hundred and eighty-six, or so much thereof as may be necessary, are hereby appropriated to defray the current expenses of the institution for educating the deaf and dumb, including general repairs on buildings, furniture, beds, and bedding, and the expenses of operating the boot and shoe shop, broom shop, cabinet shop, and printing office.

SEC. 2. The further sum of twenty thousand four hundred and twenty-five dollars (\$20,425), or so much thereof as may be necessary, is hereby appropriated for the following special purposes: For painting and calcimining, one thousand dollars; for new piggery, five hundred dollars; for inside blinds, four hundred dollars; for new heating apparatus, twelve thousand five hundred dollars; for ventilating apparatus, two thousand dollars; for furniture for new building, eight hundred dollars; for gas fixtures, three hundred dollars; for changing pupils' bath and wash rooms, bath tubs, plumbing, etc., fifteen hundred dollars; for fire escapes, five hundred dollars; for library books, school apparatus, etc., two hundred dollars; for jacket and soup kettles, and other kitchen utensils, five hundred dollars; for wire guards two hundred and twenty-five dollars.

SEC. 3. The several sums mentioned in this act are hereby appropriated out of the general fund, and passed to the credit of the institute fund, for the benefit of the institution for educating the deaf and dumb, and shall be paid to the board of trustees of said institution, at such time and in such manner and amounts only as are or may be provided by law, and may be made to appear to the Auditor General to be necessary for the immediate wants of said institution; and in no case shall a greater sum be drawn at one time from the State treasury than five thousand dollars.

SEC. 4. Of the above mentioned sums the Auditor General shall add to and incorporate with the State tax for the year one thousand

eight hundred and eighty-five, the sum of seventy thousand four hundred and twenty-five dollars, and for the year one thousand eight hundred and eighty-six the sum of fifty thousand dollars, which sums when collected, shall be passed to the credit of the general fund.

This act is ordered to take immediate effect.

Approved May 11, 1885.

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[No. 89.]

AN ACT to amend section five thousand and seventy-six of the compiled laws of eighteen hundred and seventy-one, being section six thousand six hundred and thirty of Howell's Statutes, relative to the service of subpoenas in courts of chancery.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five thousand and seventy-six, of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Process, by  
whom signed  
and served.

§ 6630. SEC. 40. Process issued out of the circuit courts in chancery shall be signed by the register in chancery of the county in which it issues, and may be served in any part of this State by the sheriff of any county in this State, or any other competent person, and the return of any sheriff upon any subpoena or other writ issued from any county in this State, other than that of which he shall be sheriff, shall be made substantially in the same manner, and shall have the same force and effect as the return of the sheriff upon a subpoena or writ issued from his own county, and such register is authorized to issue as many original writs of subpoena as there may be different counties in this State in which the defendants reside, and the service of any of such original writs of subpoena shall be a valid service on the defendants upon which it is served: *Provided*, That the sheriff serving such subpoena shall only be entitled to traveling fees for such service from the county seat of his county to the place of service therein, and he shall return the same to the register issuing it by mail or express on payment or tender to him of the legal fee for such service.

Proviso.

Approved May 11, 1885.

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[No. 90.]

AN ACT to amend section seven thousand six hundred and twelve of compiled laws of eighteen hundred and seventy-one, being section nine thousand one hundred and eighty-four of Howell's Annotated Statutes relative to the protection of land, and punishment for cutting and carrying away timber therefrom.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven thousand six hundred and twelve of the compiled laws of eighteen hundred and seventy-one, being section nine thousand one hundred and eighty-four of Howell's Annotated Statutes relative to

the protection of land, and punishment for cutting and carrying away timber therefrom, be and the same is hereby amended so as to read as follows:

(7612.) SECTION 1. Every person having no color of title, either tax, equitable, or otherwise, who shall willfully and without permission of the owner thereof, enter upon the lands of another and shall cut down, destroy, or remove therefrom any tree, trees, timber, wood, logs, or lumber, growing, standing, lying, or being thereon, of the value of twenty-five dollars or more, or shall willfully induce, direct, aid, or abet any other person in so doing, and every person who shall knowingly receive into his possession, or permit to be stored in or upon any premises, mill yard, or boom, in his possession, or shall purchase, or shall manufacture or cause to be manufactured into lumber, shingles, lath, or other products, any trees, timber, wood, or logs so cut down or removed, knowing the same to have been cut or removed without permission of the owner, with intent to induce, profit, aid, or abet any other person in such cutting down or removal, or to profit himself thereby, shall be deemed guilty of a felony, and shall be punished by imprisonment in State prison, not more than one year, or by fine of not more than five hundred dollars or imprisonment in the county jail not more than twelve months.

Cutting, removing timber etc., value of \$25.00.

Receiving or storing, purchasing, etc.

A felony.

Penalty.

Approved May 11, 1885.

### [No. 91.]

AN ACT to repeal sections four and seven of an act entitled "An act to protect fish and preserve the fisheries of this State," approved March twenty-first, eighteen hundred and sixty-five, designated as sections twenty-one hundred and sixty-six and twenty-one hundred and sixty-nine, chapter sixty-three, of the general statutes in force.

SECTION 1. *The People of the State of Michigan enact*, That section four and section seven, of an act entitled "An act to protect fish and preserve the fisheries of this State," approved March twenty-first, eighteen hundred and sixty-five, designated as section twenty-one hundred and sixty-six and section twenty-one hundred and sixty-nine, of chapter sixty-three, of the general statutes in force, be and the same are hereby repealed.

Sections repealed.

Approved April 10, 1885.

### [No. 92.]

AN ACT to amend section forty-five of chapter one hundred and fifty-eight of the compiled laws of eighteen hundred and seventy-one, relative to the payment of debts and legacies of deceased persons, the same being section five thousand nine hundred thirty-two of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section forty-five of chapter one hundred and fifty-eight of the compiled

Section amended.



laws of eighteen hundred and seventy-one, relative to payment of debts and legacies of deceased persons, the same being section five thousand nine hundred thirty-two of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows :

Contingent  
claims may be  
presented.

(5932.) SEC. 45. If any person shall be liable as security for the deceased or have any other contingent claim against his estate, which cannot be proved as a debt before the commissioners, or allowed by them, the same may be presented, with the proper proof, to the probate court, or to the commissioners, who shall state the same in their report, if such claim was presented to them: *Provided*, That in case such claim shall be made against such estate by reason of any bond or agreement of any kind, in writing, signed by the deceased, and binding him to pay any certain sum or sums for the support of the claimant for the life time of such claimant, the administrator of said estate by and with the consent of such claimant and the approval of the judge of probate, may compromise and settle such claim, in such manner as shall be just, and the same so agreed upon shall be allowed and paid in the same manner as other debts of said deceased.

Proviso.

Approved May 12, 1885.

[No. 93.]

AN ACT to amend section one of act number one hundred and forty-two of the session laws of eighteen hundred and eighty-three, being an act entitled "An act to provide for selecting petit jurors in the Upper Peninsula," so as to include the county of Manitou.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one (1) of act number one hundred and forty-two, of the session laws of eighteen hundred and eighty-three, entitled "An act to provide for selecting petit jurors in the Upper Peninsula," be amended so as to read as follows :

Board for  
selection of  
petit jurors.

SECTION 1. That the county clerk, judge of probate, sheriff and county treasurer of each county in the Upper Peninsula and of the county of Manitou, are hereby constituted a board for the purpose of selecting a list of names of persons, annually, to act as petit jurors in the circuit courts in such counties.

Ordered to take immediate effect.

Approved May 13, 1885.

[No. 94.]

AN ACT making an appropriation of State swamp lands to aid the county of Gratiot in improving the channel of Maple river, and to authorize a tax to complete the same, and to repeal act number fifty, of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize the board of control of State swamp lands to make an appropriation of swamp lands to remove bars and obstructions in Maple river, in the counties of Clinton and Gratiot," approved March twenty-six, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of aiding in improving the channel of the Maple river, in the counties of Clinton and Gratiot, and opening, widening, and deepening the same, to the end that the large territory now periodically submerged may be reclaimed, and the sanitary condition of the adjacent lands improved, there shall be and hereby is appropriated to the county of Gratiot, ten sections of swamp lands, in the Lower Peninsula, not otherwise appropriated. Appropriation made.

SEC. 2. Said lands, or any part or parts thereof, when selected, shall be withheld from sale from and after the time said county, its assigns, or its contractor under this act, shall notify the Commissioner of the State Land Office of the selection of the same, or any such part or parts, and shall be withheld for the entire time fixed by this act for the completion of the work. Upon the filing with the said Commissioner of the State Land Office the certificate of the commissioner who shall be appointed, qualified, and acting at such time, under this act, that one-half of said work is completed, one-half of said lands hereby appropriated shall be patented to the contractor, under this act, and the remainder shall be in like manner patented, upon a like certificate of the entire completion of the work. Selected land to be withheld from sale.

SEC. 3. An application in writing, signed by three or more freeholders of each of the counties of Clinton and Gratiot, and residing in any of the townships hereinafter named, may be presented to the probate court of the county of Gratiot, for the appointment of a commissioner under this act to superintend the construction of the work herein provided for, and perform such other duties as may devolve upon him by virtue of this act. It shall be sufficient in said petition to refer to this act by number and title for a description of the work, for the construction of which said commissioner is petitioned to be appointed. The court to whom such application is made shall at once issue an order directing all persons interested in said petition, and the work provided for by this act to appear before such court at a time and place therein to be specified, not less than two nor more than four weeks from the time of making such order, to show cause why such commissioner should not be appointed, and be heard with reference to the appointment of the same. A copy of such order shall be posted up in three of the most public places in each of the townships of Fulton, Washington, and Elba, in Gratiot county, and Essex, in Clinton county, in this State, at least ten days before the hearing of said petition. Said court shall, at the time named in said order or at such time as the hearing may be adjourned to, not exceeding thirty days in all from the day first appointed, proceed to hear the proofs and allegations of the parties, and if it shall appear that said work is necessary, and for the good of the public health, or highways, and a means of reclaiming swamp and overflowed lands in said townships, he shall appoint such commissioner and deliver to the person so appointed a certificate of his appointment, and send a certified copy of the order appointing such person as such commissioner to the Commissioner of the State Land Office in this State. When patents may issue for.

SEC. 4. The person so appointed shall, within ten days after such appointment, take, subscribe, and file with the county clerk of said Application for appointment of commissioner.

Duty of court relative thereto.

Appointee to take oath, file bond, etc.

county of Gratiot the oath of office required by the constitution of this State; and shall, within the same time, make, execute, and file with such clerk a bond to the county of Gratiot, with sufficient surety or sureties, to be approved by said county clerk, for the sum of fifteen thousand dollars (\$15,000), conditioned for the faithful performance of the trusts and duties involved upon him by this act.

Failure of  
appointee to  
qualify.

SEC. 5. In case of the failure of any person who may be appointed as the commissioner under this act, to qualify or to act as such commissioner for any cause, it shall be the duty of the probate court aforesaid, upon petition to said court duly verified, setting forth the facts upon which said petition is based, to proceed in the same manner provided in section three of this act, for the appointment of a commissioner, and appoint some other person as such commissioner.

Duty of com-  
missioner ap-  
pointed.

SEC. 6. Said commissioner shall as soon as practicable proceed to examine personally the line of said proposed work, and if in his opinion it is necessary and for the good of the public health that the channel of the Maple river, in the townships of Fulton, Washington, and Elba, in Gratiot county, and the township of Essex, in Clinton county, should be opened, deepened, widened, or straightened, and otherwise improved, he shall, as a further means of determining the necessity and practicability thereof, cause a survey and measurement of the line of said work to be made by a competent surveyor, and shall establish the commencement and terminus, and determine the route, width, length, and depth thereof, and for that purpose he may enter upon any lands traversed by the proposed route of said work.

Idem.

SEC. 7. Upon the completion of the survey plans and specifications of said improvements, the said commissioner shall take steps to procure title to the county of the lands, or the right of way necessary therefor, and for this purpose is hereby vested with all the powers conferred upon county or special drain commissioners, and may proceed without petition or other preliminary proceedings in the manner provided by law for acquiring title for county drains, or he may proceed under any other law of this State providing for condemning right of way, and for the purpose of carrying out the full design and intent of this act the said commissioner is hereby vested with all the powers conferred upon special drain commissioners appointed by the probate court in cases where drains are constructed affecting lands lying in more than one county, and may proceed in the same manner and be governed by the same law in the prosecution of said improvement from its commencement to its completion, except as in this act otherwise provided, as he would or might proceed or be governed were he appointed as said special commissioner by the probate court in and for the county of Gratiot aforesaid, in pursuance of act number two hundred and sixty-nine of the session laws of eighteen hundred and eighty-one, or of any amendments or revision of said act, and the probate court in and for the county of Gratiot shall have jurisdiction of all proceedings in the prosecution of said improvement the same as they would or might have had, had said commissioner been appointed by said court in pursuance of said act number two hundred and sixty-nine, statute

laws eighteen hundred and eighty-one, or any amendment or revision of said act.

SEC. 8. An order drawn on the treasurer of the proper township for the amount of any damages that may be awarded, if any, in obtaining the right of way, and made payable to the owner of the description on which such damages were awarded, describing such lands by their legal subdivision in such order, and tendered to the person entitled thereto, or deposited with the township clerk of said township, to be delivered to such person when called for, shall be deemed a sufficient security for the amount of such damages. Damages,  
security for.

SEC. 9. The commissioner appointed under this act may solicit and receive subscriptions in writing from individuals and corporations in aid of the improvement provided for in this act. Such subscription list shall be included in the advertisement for letting the contract for said work hereinafter mentioned, and shall by said commissioner under this act be assigned to the contractor under this act at the time of making said contract. The time of payment of any such subscription to be as follows: One-fourth of each of said subscriptions to be due and payable at such time as the commissioner under this act shall certify that one-fourth of the work to be done by said contractor has been performed; and one-fourth of each of such subscriptions shall become due and payable at such time as the commissioner under this act shall certify that one-half of said work has been performed; and one-fourth of each of said subscriptions shall become due and payable at such time as the commissioner under this act shall certify that three-fourths of the work to be done has been performed; and the remainder of said subscriptions shall be due and payable at such time as the commissioner under this act shall certify that the said contract has been completed; and it shall be the duty of the commissioner under this act to so certify in writing to said contractor when in his opinion one-fourth, one-half, three-fourths, and when the whole of the contract is finally completed. Solicitation,  
receiving, etc.,  
of subscriptions.

SEC. 10. The cost of constructing said improvement, together with the expenses incident thereto, in excess of the appropriation hereby made, and of any contributions which the said commissioner may secure, may be assessed upon, and when so assessed shall be paid by the lands, easements, and property benefited thereby, and by any township, city, or village by reason of the benefit to the public health and as a means of improving any public highway under the general laws of this State, except as herein otherwise provided. The commissioner appointed under this act shall designate in an assessment roll or rolls, the lands, easements, and property benefited thereby and shall determine by an assessed valuation of the benefits to be derived thereby, what per cent of such excess shall be assessed upon each parcel or description of lands, easements, and property, township, city, or village. Upon the completion of said assessment of benefits, said commissioner shall submit the same to the board of review hereinafter named, who may alter or amend the same as they may deem equitable, and their decision shall be final. Said assessment of benefits shall be published in some newspaper of general circulation published in said Gratiot county, and a copy of the same Cost of improve-  
ment, etc., in  
excess of appro-  
priation and  
subscriptions,  
how provided  
for.

shall be delivered to each member of the board of review at least two weeks before being acted upon by said board of review; and any person, persons, or corporation feeling aggrieved by said ratio or per cent of assessments shall have the right to be heard in person or by attorney before said board of review. Said assessment of benefits as altered, amended, or affirmed by said board of review shall be divided into four assessment rolls, one for each of the towns of Fulton, Washington, and Elba, in Gratiot county, and Essex in Clinton county, or into so many rolls as there shall be townships affected by said improvement, the rolls containing respectively the lands, easements, and property to be taxed and which is benefited by said improvement in the respective townships, for the excess cost of the said improvement.

Letting of contracts.

SEC. 11. Upon the completion of the said assessment rolls, the said commissioner shall advertise for letting the contract for the construction of said work for at least four consecutive weeks in one newspaper published in Gratiot county, and one newspaper published in Clinton county, and he shall let such work to the person who will do the same, according to the specifications, for the least sum of money in addition to the lands hereby appropriated, and in addition to any reliable contributions or subscriptions said commissioner may have secured to aid said work. Said commissioner may adjourn said letting from time to time, to such other time or place to be by him at the time of such adjournment publicly announced, as to him shall seem proper, but not in all more than sixty days from the time first advertised, and he may reserve the right to reject any or all bids. The contractor shall give a bond to the said commissioner with at least two sureties, to be approved by said commissioner, in such amount and upon such terms as said commissioner shall require to secure the faithful performance of the contract. The said contract shall be let by open or sealed bids as the said board of review shall direct, and on their failure to so direct, the same shall be let as the said commissioner shall determine.

How excess of cost over appropriation, etc., to be apportioned and assessed.

SEC. 12. Upon the letting of such contract the commissioner shall make a computation of the costs of such improvement, in excess of the land hereby appropriated, and any reliable contributions he may have secured to aid said work, which shall include all the expenses of locating and establishing the same, including the commissioner's compensation at the rate of three dollars per day for the time actually employed, cost of survey, fees and expenses incident to determining damages, the amount of damages, if any, and all their other expenses not otherwise provided for. He shall add the whole in a gross sum, which amount when so ascertained he shall apportion to and assess upon the individuals, property, townships, or villages benefited thereby, according to the rate per cent fixed as hereinbefore provided in the assessment rolls, which amount so assessed shall be a lien upon the persons, property, townships, or villages so assessed until paid. The several amounts so assessed shall be added to or included in the next annual assessment rolls of the respective townships and collected as State and county taxes are collected by the



township treasurers respectively. The money when so collected by the township treasurers, or in case of unpaid taxes returned by the county treasurers, shall be held subject to the order of said special commissioner for the payment of the contract, damages, and other expenses pertaining to said improvement: *Provided*, That in case gross sums shall be assessed upon any township or village by reason of the benefit to the public health, and as a means of improving any public highway such gross sum shall be assessed upon the tax roll of such village or township by the proper officer, on the basis of the assessed value of the property for the then current year. Proviso.

SEC. 13. The supervisors of the townships of Fulton, Washington, and Elba, in Gratiot county, and of the township of Essex, Clinton county, shall constitute and be a board of review as required by this act. A personal notice, or a notice in writing, of such meetings, left at their respective residences, shall be deemed a sufficient and legal notice of any such meeting. The special commissioner shall be chairman of said board of review, and shall be entitled to vote only in case of a tie. The account of the commissioner for services on the said improvement shall be presented to and audited by the said board of review. The several supervisors composing said board of review shall be entitled to and receive the sum of two dollars per day for their services on said board, the same to be audited by their respective township boards, and paid as other township expenses. Board of review.

SEC. 14. Unpaid taxes on real estate shall be returned by the township treasurers respectively, to their respective county treasurers, and lands delinquent therefor shall be sold in the same manner and in all respects as are lands delinquent for State and county taxes, under the general tax law of this State. Unpaid taxes on real estate.

SEC. 15. If any person shall willfully or maliciously remove any division stake, set along the line of said work, or if any person shall obstruct or injure said improvement, either before or after completion, by falling timber or brush into the same, or otherwise, he shall for each and every such offense, be subject to a penalty of ten dollars, together with such sum as will be required to repair such damage, and costs of suit, which penalty may be recovered in an action of debt, at the suit of the commissioner under this act, for any such offense committed before the rendering of the final account of said commissioner mentioned in section sixteen of this act, and at the suit of the drain commissioner of the county or township in which such offense was committed, if committed, after the rendering of said final account: *Provided*, If any person guilty of said offense shall repair all such damage within five days after being notified so to do by the proper person, he shall not be liable under this section. Removal of division stake, injuring improvement, etc., penalty for. Proviso.

SEC. 16. This improvement shall be completed within five years from the passage of this act, and upon the completion of the work provided for in this act, the said commissioner appointed under this act, or his successor, shall file with the county clerk of Gratiot county, a complete account of his doings hereunder, together with the survey, plans, and specifications used, a statement of the entire cost of the improvement in excess of the lands granted, and the contributions hereinbefore referred to, and a certified copy of the To be completed when. Commissioner's account, when filed and what to contain.



list containing said contributions, and the amount of such excess paid by each township or village, all the releases obtained of right of way, and the statement showing what proceedings were had to obtain right of way; if any, when had, and what amounts, if any, were awarded as damages, a statement showing what amounts, if any, have come into his hands as such commissioner, from whom received, and to whom paid, together with the contractor's receipt in full for all moneys due him as such contractor, also such contractor's receipt of an assignment to him of all contributions said commissioner may have received towards said work as aforesaid; all of which statement shall be made under oath, and be verified by competent officers, and accompanied by statements of the supervisors of each of the townships named, showing the entire sum of money for such improvement raised in their townships respectively, whereupon, if it shall appear to the said county clerk that the said work has been entirely completed, and that the said special commissioner has faithfully discharged his duties under this act, and honestly disbursed the moneys which came into his hands, he shall cancel and surrender the bond mentioned in section four of this act; but if not, he shall bring suit upon said bond for all deficiencies or failures.

To be sworn to  
and verified.

County clerk to  
examine.

Surrender of  
bond or bring  
suit.

Improvement  
when finished,  
under control of.

Provided.

Act repealed.

SEC. 17. Said improvement shall be under the control of the county drain commissioner of each county in which the same is situated, after the rendering of the final account of the commissioner, as provided for in the last preceding section. Each county drain commissioner shall have charge of that portion of said improvement lying in his respective county: *Provided*, That if there shall be no county drain commissioner in either of said counties, the said improvement lying in such county having no county drain commissioner shall be under the control of the township drain commissioner of each township in such county in which such improvement extends, each such township drain commissioner having charge of that portion of said improvement lying in his respective township.

SEC. 18. Act number fifty of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize the board of control of State swamp lands to make an appropriation of swamp lands to remove bars and obstructions in Maple river, in the counties of Clinton and Gratiot," be and the same is hereby repealed, and the State hereby divests itself of all control, supervision, or responsibility, on account of the improvement of said Maple river in the towns named, beyond the grant of land made by section one of this act.

This act passed both Houses of the Legislature by a two-thirds majority vote of all the members elect, and was ordered to take immediate effect.

Approved May 13, 1885.

## [No. 95.]

AN ACT to provide for the collection of apiarian statistics.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the supervisor of each township and ward, and assessor of each assessment district, at the time of taking the assessment each year, to ascertain and set down, in a blank prepared for that purpose, the number of colonies of bees the preceding fall and the number at time of assessment; the number of colonies wintered the previous winter in the cellar, the number in chaff hive, and the number with no protection; and the number of pounds each of comb and extracted honey, and the number of pounds of wax produced during the preceding year.

Duty of supervisors and assessors.

SEC. 2. That the Secretary of State shall provide the necessary blanks to carry out the provisions of the foregoing section, and shall annually publish in the Farm Statistics of this State an abstract of the information obtained.

Secretary of State's duty.

Approved May 14, 1885.

## [No. 96.]

AN ACT to amend section one of chapter four of act number one hundred sixty-four, session laws of eighteen hundred eighty-one, being consecutive section five thousand seventy-eight of Howell's Annotated Statutes of eighteen hundred eighty-two, as amended by act number nine, session laws of eighteen hundred eighty-three, relative to the organization of township boards of school inspectors.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter four of act number one hundred sixty-four, session laws of eighteen hundred eighty-one, being consecutive section five thousand seventy-eight of Howell's Annotated Statutes of eighteen hundred eighty-two, as amended by act number nine, session laws of eighteen hundred eighty-three, relative to the organization of township boards of school inspectors, be amended so as to read as follows:

Section amended.

SECTION 1. The school inspectors of each township, together with the township clerk, shall constitute the township board of school inspectors. Said board shall meet at the office of the township clerk within twenty days after the first Monday in April in each year, and elect one of their number other than the township clerk chairman of said board, and the township clerk shall be the clerk thereof.

Township board school inspectors.

Meeting and organization of.

Approved May 14, 1885.

## [No. 97.]

AN ACT to make it a misdemeanor to unhitch any horse or team, or ride or drive the same away in certain cases.

Unhitching  
horses, etc.,  
without author-  
ity.

Penalty for.

SECTION 1. *The People of the State of Michigan enact*, That every person who shall willfully and maliciously, or wantonly, and without authority unhitch any horse or team belonging to another, and lawfully hitched or standing in any street, alley, or other place, or who in like manner shall ride or drive such horse or team away shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding ninety days, or both, in the discretion of the court.

Approved May 14, 1885.

## [No. 98.]

AN ACT to amend sections four hundred and forty-two and four hundred and forty-three of the compiled laws of one thousand eight hundred and seventy-one, relating to the common jurisdiction of certain counties.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections four hundred and forty-two and four hundred and forty-three of the compiled laws of one thousand eight hundred and seventy-one, relating to the common jurisdiction of certain counties, be amended to read as follows:

Common juris-  
diction of coun-  
ties on shore of  
Lake Huron.

(442) SEC. 12. The counties of Saginaw, Mackinac, St. Clair, and Chippewa, and such other counties now organized, or that may hereafter be organized, upon the shore of Lake Huron, shall have jurisdiction in common of all offenses committed on that part of Lake Huron which lies within the limits of this State; and such offenses may be heard and tried in either of said counties in which legal process against the offender shall be first issued, in like manner, and to the same effect, as if the offense had been committed in any part of either of said counties.

Civil process  
from.

(443) SEC. 13. All civil process from either of the counties of Saginaw, Mackinac, St. Clair, or Chippewa, or from such other counties now organized, or that may hereafter be organized, upon the shores of Lake Huron, may run into, and be executed within and upon that part of Lake Huron which lies within the limits of this State.

Ordered to take immediate effect.

Approved May 14, 1885.

## [No. 99.]

AN ACT to amend section six of act number thirty-nine of the session laws of eighteen hundred and fifty-five, being consecutive section number four thousand three hundred and seventy-eight of Howell's Annotated Statutes, relative to the appointment of State visitors to incorporated institutions of learning.

SECTION 1. *The People of the State of Michigan enact*, That section six of act number thirty-nine of the session laws of eighteen hundred and fifty-five, being consecutive section number four thousand three hundred and seventy-eight of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 6. Any institution of learning incorporated under the laws of this State shall always be subject to the visitation and examination of the Superintendent of Public Instruction, and also to a board of visitors (three in number), to be annually appointed by him, with the approval of the State Board of Education, said board to constitute a State Board of Visitors. Said board shall annually visit such incorporated institution of learning, and carefully examine into the courses of study pursued, the modes and character of the instruction given, and into such other matters concerning the condition of the institution as may be of interest to the citizens of the State; and said board shall immediately thereafter make a full report to the State Superintendent of Public Instruction, setting forth the result of their visitation and examination, and their conclusions as to the condition of the institution. The visitors acting under the provisions of this section shall each be entitled to receive their necessary expenses while so engaged, which amount shall be certified by the State Board of Education to the Board of State Auditors, who shall authorize a warrant therefor to be drawn upon the State Treasurer, and the same shall be paid out of the general fund. Visitation and examination.

Board of visitors.

Expenses of, allowed.

Ordered to take immediate effect.

Approved May 14, 1885.

## [No. 100.]

AN ACT requiring parties to civil suits in the circuit courts to file a bill of particulars of their respective demands in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That in all civil cases now pending or hereinafter brought in any of the circuit or superior courts of this State, in which, by the rules and practice of said courts, either party is entitled to demand of his adversary a bill of particulars, the party upon which such demand shall be made, shall, at the time of furnishing such bill, file a duplicate thereof in said court in said cause. Bill of particulars, duplicate to be filed.

Ordered to take immediate effect

Approved May 14, 1885.

## [No. 101.]

AN ACT to provide for assigning errors on the charge of any circuit court given to the jury in any civil or criminal suit, action or proceeding.

Exceptions to charge not necessary, etc.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be necessary in any suit, action, or proceeding, civil or criminal, in any circuit court, to except to the charge given to the jury, but any party aggrieved by any such charge may assign errors upon such charge, in his assignment of errors, the same as if exception had been made to such charge. All acts and parts of acts contravening this act are hereby repealed.

Approved May 14, 1885.

## [No. 102.]

AN ACT to amend section six of act number five hundred and fifty-eight of public acts of eighteen hundred and seventy-nine, being section eight thousand three hundred and eighty-two of Howell's Annotated Statutes, relative to the enforcement of liens of mechanics and others.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section six of act number five hundred and fifty-eight, of the public acts of eighteen hundred and seventy-nine, being section eighty-three hundred and eighty-two of Howell's Annotated Statutes, relative to the enforcement of liens of mechanics and others, be and the same is hereby amended so as to read as follows:

Enforcement of lien.

SEC. 6. Proceedings to enforce such lien shall be by bill or petition in chancery on oath, and notice of *lis pendens*, filed with the register of deeds, shall have the effect to continue such lien pending such proceedings. And in such proceedings the complainant shall make all persons having rights in said property affected or to be affected by such liens so filed and recorded in the office of the register of deeds, and all persons holding like liens so filed and recorded, and those having filed notice of intention to claim a lien,

Parties to such action.

parties to such action, and all persons holding like liens, or having filed notice of intention to claim a lien, or any other person having rights in said property may make themselves parties thereto on motion to the court and notice to the complainant, and may file their intervening or cross bills and notices *lis pendens* therein; intervening or cross bills shall be on oath and all bills sworn to shall be evidence of the matters therein charged, unless denied by answer under oath; amendments may be filed to any bill, or cross bill, at any time before final hearing, and if it shall appear that any party has had insufficient notice of any proceeding, such further notice shall be given as the court shall think just: *Provided*, That two or more persons, owners or holders of such liens, may assign their claims or liens for the purpose of bringing suit thereon to a joint assignee in trust, who shall have full power to enforce such claims

Proviso.



or liens by bill or cross bill, for the use and benefit of the several persons having such claims or liens.

Approved May 14, 1885.

[No. 103.]

AN ACT to amend section eleven (11) of chapter two hundred and sixty-three (263) of the compiled laws of eighteen hundred seventy-one, being compiler's section nine thousand five hundred and ninety-three (9593) of Howell's Annotated Statutes of Michigan of eighteen hundred eighty-two, relative to inquests.

SECTION 1. *The People of the State of Michigan enact*, That section eleven of chapter two hundred and sixty-three of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine thousand five hundred and ninety-three of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 11. When any justice of the peace shall take an inquest upon the dead body of a stranger, or being called for that purpose, shall not think it necessary, on view of such body, that an inquest should be taken, he shall cause the body to be decently buried; and if the justice of the peace shall certify that to the best of his knowledge and belief the person found dead was a stranger not belonging to this State, the expenses of the burial, with the justice's fees, and all the expenses of the inquisition, if any were taken, shall be paid to the justice of the peace from the State treasury, the account of such expenses and fees being first allowed by the circuit court for the county; in all other cases the expenses and fees shall be paid by the county in which the inquisition was taken: *Provided*, That when an inquest is held on the body of any person who dies in either of the prisons or public reformatories of this State, the expense of such inquest shall be audited and paid by the State, as other charges against the State are audited and paid. Justice to order buried, when.  
Expense thereof, etc.  
Provided.

Approved May 14, 1885.

[No. 104.]

AN ACT to provide for the challenge of talesmen in justices' courts.

SECTION 1. *The People of the State of Michigan enact*, That in all civil cases before justices of the peace each party may challenge peremptorily two talesmen, and in all prosecutions in the name of the people of this State the attorney appearing for the people may challenge peremptorily two talesmen and the defendant may challenge peremptorily four talesmen. Limitation of challenge.

Approved May 19, 1885.

## [No. 105.]

AN ACT to amend compiler's section number fifty-nine hundred and fifty-five of compiled laws, eighteen hundred and seventy-one, of the laws of Michigan, the same being compiler's section seventy-five hundred and twenty-six of Howell's Annotated Statutes, relative to proof of demands in suit.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That compiler's section fifty-nine hundred and fifty-five, compiled laws, eighteen hundred seventy-one, of the laws of Michigan, the same being compiler's section seventy-five hundred and twenty-six of Howell's Annotated Statutes, be amended to read as follows:

Entries on  
account books  
to be admitted  
as evidence of  
money paid, etc.

SEC. 2. In all trials, hearings, and proceedings in any cause or suit in any court, or before any officer, arbitrators, or referees, books of accounts, containing charges or entries for money paid, laid out, furnished or lent, shall be received and admitted as evidence, and deemed to be evidence of such charges and entries, and that such moneys were so paid, laid out, furnished, or lent, as is in such books charged or entered, and of the liability of the person charged therefor, in the same manner and to the same extent as books of account containing charges for goods, wares, or merchandise sold and delivered, are received and admitted as evidence of sale and delivery of such goods and merchandise, and of the liability of the person charged therefor: *Provided*, This section shall not apply to cases where persons acting or having acted as commission merchants or agents for the sale of produce, grain, or other property on commission, except as to the amount charged as commissions for selling, or buying such produce, grain or other property, unless accompanied by a voucher or receipt for the money so claimed to be laid out, lent, or furnished.

Proviso.

Approved May 19, 1885.

## [No. 106.]

AN ACT providing for the employment, defining the duties, and fixing the compensation of a stenographer for the fourth judicial circuit, State of Michigan.

Appointment of.

SECTION 1. *The People of the State of Michigan enact*, That a stenographer for the circuit court for the fourth judicial circuit shall be appointed by the Governor, on the certificate of the judge of said court that the business of said court is such as to render the employment of a stenographer desirable.

Term of office.

Proviso.

SEC. 2. The person so appointed shall hold the office during the pleasure of the Governor: *Provided*, The court shall have power to suspend him for misconduct, and in case of such suspension, he shall thereafter cease to hold the office of stenographer, unless by order of the court, his suspension be rescinded. If such suspension shall not be rescinded within thirty days after the order, the office shall be deemed vacant, and it shall thereupon be the duty of the Governor,

on receiving notice of such vacancy from the presiding judge, to fill the same by appointment.

SEC. 3. In case of the death or resignation of the stenographer, or of his inability to serve from any cause, the Governor shall appoint a successor to the office, on receiving notice of such from the presiding judge. But in case of sickness or temporary absence of the stenographer, the judge may appoint some competent person to act in his absence.

Vacancy to be filled, how.

Temporary absence.

SEC. 4. It shall be the duty of the stenographer so appointed, to attend upon the court at each term, under the direction of the court, and to take full stenographic notes of the testimony and other proceedings in the trial of each issue of fact before the court or jury. Said stenographer shall receive as a compensation for such services not to exceed the sum of eighteen hundred dollars per annum, as may be determined by the Boards of Supervisors of the counties composing said circuit, which sum shall be paid in monthly installments out of the county treasuries of the counties composing the said fourth judicial circuit, upon the order of the clerk of said court, according and in proportion to the number of suits entered and commenced in the circuit court for such counties respectively the preceding year; and it shall be the duty of the circuit judge of such circuit, on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his circuit, on the basis aforesaid.

Duty of.

Compensation.

SEC. 5. It shall be the duty of said stenographer to write out in legible English, without fee or charge, a full copy of the notes taken by him on the trial of any cause, where the same may be necessary on the part of the people, at such time as the court or prosecuting officer of either of the counties composing said circuit may require the same.

Copy of notes to be furnished to prosecution without charge, when.

SEC. 6. It shall be the duty of said stenographer to furnish, without delay, copies of the notes taken by him, written out in legible English, to any party who may request the same, other than the counties as provided in section five of this act, and he shall be entitled to demand and receive therefor not to exceed ten cents for each folio of one hundred words.

To others, and fee therefor.

SEC. 7. Each and every issue of fact tried before the court or jury shall be taxed three dollars, the same to be paid by the parties to the suit, in equal proportions, before the taking of the testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, and to apply upon the payment of the salary of said stenographer hereinbefore provided, and the prevailing party shall have the amount so paid by him taxed in his costs as proper disbursements.

Taxation of costs prior to taking of testimony.

SEC. 8. Before entering upon the duties of his office, such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge.

Oath.

SEC. 9. In cases tried in the circuit court in which such stenographer shall be engaged, sections one and four of an act entitled an act to declare and establish the practice in charging or instructing

Certain sections not to apply.

juries, and in settling the law in cases tried in circuit courts, approved March twenty-six, eighteen hundred and sixty-nine, shall not apply.

Repealing  
clause.

SEC. 10. All acts or parts of acts contravening the provisions hereof in force at the time of the passage of this act shall be construed as void and of no effect as applying to the fourth judicial circuit.

This act is ordered to take immediate effect.

Approved May 19, 1885.

[No. 107.]

AN ACT making appropriation for improvements at the State House of Correction at Ionia.

Appropriation  
made.

Purposes of.

SECTION 1. *The People of the State of Michigan enact*, That the sum of four thousand eight hundred and sixty dollars, or so much thereof as may be necessary, be and the same hereby is appropriated out of the general fund for the following named purposes for the State House of Correction at Ionia, for the year eighteen hundred and eighty-five: For ventilating shops, sewerage and roof for boiler and machine shops, rebuilding chimney and oven roof for dry kiln, and fire protection for shops, twenty-seven hundred dollars; for furniture for prisoners' kitchen and dining room, ceiling and finishing kitchen and dining room, carpets for officers' rooms, carpets for warden's rooms, carpets for parlor, carpet for officers' dining room, twelve hundred and ten dollars; for library case, chairs, parlor furniture, bed-room furniture, crockery, etc., four hundred and fifty dollars; for painting, five hundred dollars.

Passed to credit  
of, etc.

SEC. 2. That the several sums appropriated by the provisions of this act shall be passed to the credit of the State House of Correction at Ionia, and paid to the board of managers or to its treasurer at such times and in such amounts and manner as is now provided by law and this act, and as may be made to appear to the Auditor General to be necessary.

Tax for.

SEC. 3. That the aggregate sum appropriated by this act, four thousand eight hundred and sixty dollars, the Auditor General shall add to and incorporate with the tax for the year eighteen hundred and eighty-five, which sum when collected shall be passed to the credit of the general fund.

This act is ordered to take immediate effect.

Approved May 21, 1885.

[No. 108.]

AN ACT to provide for the compulsory reformatory education of juvenile disorderly persons.

Establishment  
of ungraded  
school.

SECTION 1. *The People of the State of Michigan enact*, In all cities and villages in this State maintaining and supporting a graded

school, the board of education, or other officer or officers having charge of the schools of said cities and villages, may establish one or more ungraded schools for the instruction of certain children, as defined and set forth in the following sections, and they may, through their authorized agents or officers, require said children to attend said ungraded schools during the whole or a portion of each school day, as they may direct.

Certain children may be required to attend, etc.

SEC. 2. In all cities having a duly organized police force, it shall be the duty of the police authority, at the request of the school authority, to detail one or more members of said force to assist in the enforcement of this act; and in cities or villages having no regular police force, it shall be the duty of the board of education, or the school district officers, to designate one or more constables of said city, or village, whose duty it shall be to assist in the enforcement of this act, as occasion may require, and said board of education shall fix and determine the compensation to be paid such constable for the performance of his duties under this act, and shall pay the same from any moneys in their hands raised or provided for the general expenses of the public schools. Members of any police force, or any constable designated to assist in the enforcement of this act, as provided in this section, shall be known as truant officers.

Police aid in enforcement of this act.

Designation of constables where no police, compensation of.

Truant officers.

SEC. 3. The following classes of persons between the ages of eight and sixteen years shall be deemed juvenile disorderly persons, and shall be subject to the provisions of this act:

Juvenile disorderly persons, designated.

*Class One*, Habitual truants from any school in which they are enrolled as pupils;

*Class Two*, Children who, while attending any public school, are incorrigibly turbulent, disobedient, or insubordinate, or are vicious or immoral in conduct;

*Class Three*, Children who are not attending any school, and who habitually frequent streets and other public places, having no lawful business, employment, or occupation, which renders attendance at school impossible.

SEC. 4. It shall be the duty of the truant officers, under the direction of the aforesaid school authorities, or their authorized agents, to warn alleged truants and incorrigibles, and their parents or guardians of the consequence of belonging to any of said classes of juvenile disorderly persons, as set forth and defined in this act. They shall also, under direction as aforesaid, serve written or printed notice upon the parent or guardian of any child belonging to class one, or to class two, as described and defined in section three of this act, that said child must begin regular attendance at the ungraded school within five days of the date of service of such notice.

Duty of truant officers.

Notice to parent or guardian.

SEC. 5. They shall also under direction, as aforesaid, give written or printed notice to the parent or guardian of any child belonging to class three, as described and defined in section three of this act, that said child is not attending any school and require said parent or guardian to cause said child to begin regular attendance at the ungraded school within five days of the date of the service of said notice.

Idem.

SEC. 6. If said parent or guardian, or other person having the



Complaint to be made against parent or guardian for disregard of notice.	legal charge and control of said child shall willfully refuse, fail, or neglect to cause said child to attend said ungraded school, after notice given, as prescribed in sections four and five of this act, it shall be the duty of said officer to make or cause to be made a complaint against said parent, guardian, or other person having the legal charge and control of such child, before a justice of the peace in the city or village where the party resides, except in cities having a recorder's or police court, when complaint shall be made in said recorder's or police court, for such refusal or neglect, and said justice of the peace, police judge, or recorder's court shall issue a warrant upon said complaint and shall proceed to hear and determine the same, and upon conviction thereof said parent, guardian, or other person, as the case may be, shall be punished by a fine not less than ten dollars, nor more than twenty-five dollars or the court may in its discretion require the person so convicted to give a bond in the penal sum of one hundred dollars with one or more sureties to be approved by said court, conditioned that said person so convicted shall cause the child or children under his legal charge or control, to attend at the ungraded school within five days thereafter, and to remain at said school during a full school term of twenty school weeks, dating from time of beginning of said attendance: <i>Provided</i> , That if said parent or guardian, or other person in charge of said child shall under oath plead inability to cause said child to attend said ungraded school, then said parent or guardian or other person shall be discharged, and said justice of the peace, or court shall, upon complaint of said truant officer, or other person that said child is a juvenile disorderly person, as described in section three of this act, issue a warrant and proceed to hear such complaint, and if said justice of the peace or court shall determine that said child is a juvenile disorderly person within the meaning of this act, then said justice of the peace or court shall thereupon, and after consultation with the county agent, sentence said child, if a boy, to the Reform School at Lansing, or if a girl, to the Industrial Home for Girls at Adrian, as the case may be, for one year or for a longer term, not extending beyond the time when said child shall arrive at the age of sixteen years, unless sooner discharged by the board of control of said Reform School, or Industrial Home for Girls: <i>Provided, however</i> , That such sentence may be suspended in the discretion of the said justice of the peace, police judge, or judge of the recorder's court, for such time as said child shall regularly attend school, and properly deport himself or herself: <i>It is further provided</i> , That if for any cause the parent or guardian, or other person having charge of any juvenile disorderly person, as defined in this act, shall fail, after notice as heretofore prescribed in this act, to cause such juvenile disorderly person to attend said ungraded school, or if such parent, guardian, or other person shall make the complaint as provided in this act without proceedings having been taken against him as in this act provided, or if said juvenile disorderly person have no parent or guardian then complaint against such juvenile disorderly person may be made, heard, tried, and determined in the same manner as is provided for in case the par-
Conviction.	
Penalty.	
Proviso.	
Sentence of juvenile disorderly person.	
Proviso.	
Idem.	

ent pleads inability to cause said juvenile disorderly person to attend said ungraded school: *And it is further provided*, That no child under the age of ten years shall be sent to the Reform School, or Industrial Home for Girls. Limitation as to age.

SEC. 7. When it appears to the school authorities that the parent, guardian, or other person is unable to provide suitable books for said child, said child shall be furnished by the school board with such books as are required in the course of studies pursued in such ungraded school, and said books shall be the same in all respects as those in use in other schools in said city, or village, and no distinction in form, color, labeling, or substance shall be permitted. The expense of said books shall be paid for from the school fund of said municipality and levied and collected in the same manner as all other school taxes. Providing of books for use of child in ungraded school.

SEC. 8. It is further provided that the provisions of act number one hundred forty-four of the public acts of eighteen hundred and eighty-three, entitled "An act to provide for the compulsory education of children in certain cases," approved May thirty-first, eighteen hundred eighty-three, limiting such compulsory education to a period not exceeding four months in any one year shall not, so far as said limitation is concerned, have any application to the class of juvenile disorderly persons provided for in this act. It is also provided that sections six, seven, eight, nine, ten, and eleven, of act one hundred forty-four, of the session laws of eighteen hundred eighty-three, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Limitation of provision of act No. 144, acts of 1883.

Approved May 21, 1885.

[No. 109.]

AN ACT to amend act number twenty-eight of the session laws of eighteen hundred and seventy-seven, approved March ninth, eighteen hundred and seventy-seven, entitled "An act to provide for the appointment of an assistant prosecuting attorney for the county of Wayne," by adding a new section thereto to stand as section seven.

SECTION 1. *The People of the State of Michigan enact*, That act number twenty-eight of the session laws of eighteen hundred and seventy-seven, approved March ninth, eighteen hundred and seventy-seven, entitled "An act to provide for the appointment of an assistant prosecuting attorney for the county of Wayne," be and the same is hereby amended by adding a new section thereto to stand as section seven. Act amended.

SEC. 7. That said assistant prosecuting attorney shall, in case of the absence, disability, or sickness of the prosecuting attorney, discharge all the functions and perform all the duties of the office of prosecuting attorney. Duty of assistant prosecuting attorney in absence of prosecuting attorney.

This act is ordered to take immediate effect.

Approved May 21, 1885.

## [No. 110.]

AN ACT to amend chapter two hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, being chapter three hundred and eighteen of title thirty-nine of Howell's Annotated Statutes, relative to "offenses against property," and to stand as section ninety-one hundred and seventy-six *a*.

Chapter  
amended.

SECTION 1. *The People of the State of Michigan enact*, That chapter two hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, being chapter three hundred and eighteen of title thirty-nine of Howell's Annotated Statutes, relative to "offenses against property," be amended by adding thereto the following, to stand as section ninety-one hundred and seventy-six *a*:

Embezzlement,  
etc., by officer,  
agent, etc.,  
when to be  
deemed larceny.

SEC. 9176 *a*. If any officer, agent, clerk, or servant of any incorporated company, foreign or domestic, or if any clerk, agent, or servant of any private person, or of any co-partnership, except apprentices and other persons under age of sixteen years, or if any attorney at law, collector, or other person, who, in any manner, receives or collects money or any other property for the use of and belonging to another, embezzles or fraudulently converts to his own use, or takes and secretes with intent to embezzle and convert to his own use without the consent of his employer, master, or the owner of the money or goods collected or received, any money or property of another, or which is partly the property of another and partly the property of such officer, agent, clerk, servant, attorney at law, collector, or other person, which has come to his possession or under his care in any manner whatsoever, he shall be deemed to have committed larceny, and, in a prosecution for such crime, it shall be no defense that such officer, agent, clerk, servant, attorney at law, or other person, was entitled to a commission out of such money or property, as commission for collecting or receiving the same for and on behalf of the owner thereof: *Provided*, That it shall be no embezzlement on the part of such agent, clerk, servant, attorney at law, collector, or other person, to retain his reasonable collection fee on the collection, or any other valid interest he may have in such money or property.

Proviso.

Approved May 21, 1885.

## [No. 111.]

AN ACT to amend sections one and two of chapter thirty-two of the compiled laws of eighteen hundred seventy-one, entitled "An act to provide for the recording of town plats, and for vacating the same in certain cases," being compiler's section number thirteen hundred forty-four, as amended by act number one hundred and eight of the session laws of eighteen hundred seventy-three, and section one of chapter thirty-two, Howell's Annotated Statutes.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter thirty-two of the compiled laws of eighteen

hundred and seventy-one, entitled "An act to provide for the recording of town plats, and for vacating the same in certain cases," being compiler's section number thirteen hundred and forty-four, as amended by act number one hundred and eight of the session laws of eighteen hundred and seventy-three, and section one of chapter thirty-two, Howell's Annotated Statutes, be amended so as to read as follows:

**SECTION 1.** Whenever any town, city, village, or addition thereto shall be laid out, or shall be altered or vacated as hereinafter provided within this State, the proprietor or proprietors thereof shall cause a true map or plat thereof to be made by a civil engineer, surveyor or other competent person. Such map or plat shall in every case be made on a scale showing not more than two hundred feet to an inch, on sheets of good muslin-backed paper, eighteen inches by twenty-four inches in size. There shall be written upon the paper on which said map or plat shall be made a full and detailed description of the land embraced in said map or plat, showing the township and range in which such land is situated, and the sections and parts of sections platted, and containing the name of the town, city, village, or addition platted, the name or names of the proprietor or proprietors thereof, and of the engineer, surveyor, or person making said map or plat, with the date. The same shall be signed by such proprietor or proprietors and engineer, surveyor, or person making the same, and shall be witnessed and acknowledged as deeds conveying land are required to be witnessed and acknowledged. The sections and parts of sections platted shall also be designated by lines drawn upon said map or plat with appropriate letters and figures, and in case of a subdivision of lots or blocks of a previous survey, the outlines of the original or previous lots or blocks so subdivided shall be designated by lines drawn upon said map or plat, and shall be marked with appropriate letters and figures. There shall also be on such map or plat a plain designation of the cardinal points and a correct scale. Such map or plat shall be recorded in the office of the register of deeds for the county in which the land platted is situated. Before such plat shall be recorded, and before any copies are made therefrom, the person making the same shall forward the original plat to the Auditor General of the [this] State, who shall approve of the same whenever such plat shall conform, in his opinion, to the requirements of this act, and shall return the plat to the person who forwarded it, with his approval endorsed thereon. For the purpose of such recording the said proprietor or proprietors shall cause to be made by a civil engineer, surveyor, or other competent person, on the same scale and on paper of the same size and quality as that on which the map or plat is required to be made, an exact duplicate of said map or plat with the detailed description and signed, witnessed, and acknowledged as above specified. When such map or plat shall conform, or shall be made to conform, in all respects to the requirements of this act the said register and said engineer, surveyor, or person who made the same shall separately carefully compare said duplicate with said map or plat, and if correct, or when made correct, it shall be certified by the said register and said engineer, sur-

Plats of towns,  
additions, etc.

Scale of map.

Full description  
on map.

Names of.

Signed and  
acknowledged.

Sections, etc.,  
to be design-  
ated.

Other require-  
ments.

Recorded.

Original plat to  
be sent to Auditor  
General for  
approval prior  
to recording.

Duplicate  
required.

To be compared  
and certified to.

Register to have bound.	veyor, or person who made the same, who shall certify that they have carefully compared the same with said map or plat (describing it), and that it is an exact duplicate thereof and of the whole of such map or plat. The said register shall then securely fasten the said duplicate in a book of the proper size for such paper, so that it shall not be folded, which book shall be strongly bound in leather, and provided at the expense of the said county, and such duplicate
So bound, to be the record.	so fastened in said book shall be held and taken to be a record of the said map or plat with like effect as if the said map or plat had been actually transcribed by said register in a book in his office; but in no case shall any such map or plat be recorded until it shall be made to conform to all the requirements of this act, nor until such
Requirements prior to recording.	duplicate shall be made an exact duplicate of said original map or plat as approved by the Auditor General; and for any willful violation of this provision by a register of deeds he shall be
Penalty for violation of provision of this act by register.	liable to a penalty of ten dollars, and shall also be liable to pay all damages which any person may sustain by reason thereof, to be recovered in an action of trespass on the case. The register shall certify on such map or plat the time when it was recorded as aforesaid, with a reference to the book or page where recorded. He shall note on the record the time when made and
Register to certify, what, when.	shall keep a separate index of maps or plats, in which he shall enter, alphabetically, the name of every town, city, village, or addition, the map or plat of which shall be recorded by him, with a reference to the book and page where the the same shall be recorded. There shall be made a true copy of the said duplicate of such map or plat so recorded, on paper of the same quality and size as above prescribed and on the same scale, which copy shall be certified by the said register and engineer, surveyor, or person making the same, who shall certify that they have separately carefully compared the same with the duplicate so recorded, and that it is a true transcript therefrom and of the whole of such duplicate so recorded. Such copy so certified shall then be delivered to the Auditor General of this State, who shall file the same in his office. The Auditor General shall keep an index in which he shall enter, alphabetically, the name of every town, city, village, and addition, a copy of the recorded duplicate of the map or plat of which shall be filed in his office, the date of filing the same, and whatever else he may think necessary to facilitate reference thereto. On delivering such copy to the Auditor General, the person delivering it shall pay into the State treasury to the credit of the general fund the sum of one dollar. The original map or plat, with the certificate of record endorsed thereon, the recorded duplicate thereof, made as aforesaid, or a properly certified transcript of such recorded duplicate, shall be received in all courts of this State as <i>prima facie</i> evidence of the making and recording of such map or plat in conformity with the provisions of this act, and the copy of such recorded duplicate filed in the Auditor General's office, or a properly certified transcript thereof, shall be received in all courts of this State as <i>prima facie</i> evidence of the above matters and also the filing of said copy in the Auditor General's office. If any person or persons shall sell any lot or lots
Index.	
Certified copy of plat to be sent to Auditor General.	
Auditor General to keep index, etc.	
State's fees.	
Plat as evidence.	



within any such town, city, village, or addition before the map or plat thereof shall be recorded and the copy of the record thereof filed as aforesaid, he or they shall forfeit and pay the sum of ten dollars for each lot so sold. For all services by this act required to be performed by a register of deeds in respect to any such map or plat brought into his office for record, the said register shall be entitled to receive the sum of two dollars, which shall be paid by the proprietor of the ground platted: *Provided*, That in all cases where the proprietor or proprietors of any piece or pieces of land shall have caused the same to be laid out and platted as a city, town, or village, or as an addition to a city, town, or village, or where the proprietors have caused such city, town, or village lots to be deeded by metes, bounds, and courses, and have failed or neglected to have a plat thereof made and recorded in the office of the register of deeds of the county in which such land is situated, the supervisor of the township in which such land is situated shall, when authorized by the township board of such township, cause a map or plat of said city, town, village, or addition to be made under his hand and seal, properly acknowledged by him, and showing by reference to this act the authority for the same, and have the same properly recorded in the office of the said register of deeds, and filed in the Auditor General's office as hereinbefore provided, and such plat or map when so recorded and filed shall be treated in respect to the assessment, collection, and return of taxes, and the sale of said lands for delinquent taxes, as if the same had been made by the proprietor or proprietors: *Provided*, That such proceedings shall not interfere with vested rights: *Provided further*, That the expense of making said plat or map when done by the supervisor, according to the provisions of this act, shall be paid by the township in which such city, town, village, or addition is located.

Penalty for selling lots before recording plat.

Register's fees.

Proviso.

Idem.

SEC. 2. That such maps or plats as are by this act required to be recorded, shall particularly set forth and describe such portion of the government survey as is intended to be platted, and when said premises are not included in the legal subdivisions of the government surveys, then the boundaries to be defined by metes, bounds, and courses. Said maps or plats shall also particularly set forth and describe all the public grounds (except for streets and alleys) by their boundaries, courses, and extent, and all streets and alleys by their courses, lengths, widths, names, or numbers, by writing or figures upon that portion of the map or plat intended for those uses. And all the lots intended for sale may be numbered either by progressive numbers, or if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered. Where all the lots in any block are of the same dimensions, it shall be sufficient to mark the precise length and width upon one tier thereof, but all gores, triangles, or other lots which are not either squares or parallelograms, shall have the length of their sides plainly defined by figures. And the maps so made and acknowledged by the civil engineer and surveyor making the same, and acknowledged by the proprietors thereof, or by the supervisor as authorized in the preceding section, before a justice of the peace or a notary public

Boundaries clearly defined.

Public grounds, streets, etc.

Designation of lots, dimensions of, etc.

Effect of execution and record.

of the proper county, where the town, city, village, or additions lie, or before any judge of any court of record, and certified under the hand and seal of the judge, justice, or notary public taking such acknowledgment, and recorded, shall be deemed a sufficient conveyance to vest the fee of such parcels of land as are therein expressed, named, or intended for public uses in the county in which the said town, city, village, or additions lie, in trust to and for the uses and purposes therein named, expressed, or intended, and for no other use or purpose whatever.

This act is ordered to take immediate effect.

Approved May 21, 1885.

[No. 112.]

AN ACT to secure the minority of stockholders, in corporations organized under general laws, the power of electing a representative membership in boards of directors.

Election of directors.

Rights of stockholders in voting.

Time and manner of elections.

SECTION 1. *The People of the State of Michigan enact*, That in all elections for directors of any corporation organized under any general law of this State, other than municipal, every stockholder shall have the right to vote in person or by proxy, the number of shares of stock owned by him for as many persons as there may be directors to be elected; or to cumulate said shares, and give one candidate as many votes as will equal the number of directors multiplied by the number of shares of his stock; or to distribute them on the same principle among as many candidates as he shall think fit. All such corporations shall elect their directors annually, and the entire number of directors shall be balloted for at one and the same time and not separately.

Passed the House of Representatives, the objections of the Governor to the contrary notwithstanding, by a two-thirds majority vote of all the members elect, May fourteenth, eighteen hundred and eighty-five.

D. L. CROSSMAN,  
*Clerk of the House.*

Passed the Senate May twenty-first, eighteen hundred and eighty-five, the objections of the Governor to the contrary notwithstanding, by a vote of two-thirds of all the Senators elect.

LEWIS M. MILLER,  
*Secretary of the Senate.*

[No. 113.]

AN ACT to amend section seven thousand three hundred and ninety-seven of Howell's Annotated Statutes, being section five thousand eight hundred and twenty-eight of the compiled laws of eighteen hundred seventy-one, relative to survival of actions.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven thousand three hundred and ninety-seven of Howell's

Annotated Statutes, being compiler's section five thousand eight hundred and twenty-eight of the compiled laws of eighteen hundred seventy-one, relative to the survival of actions, be amended so as to read as follows :

SEC. 7397  $\frac{5828}{1268}$  SEC. 5. In addition to the actions which survive What actions survive. by the common law, the following shall also survive, that is to say : Actions of replevien and trover ; actions of assault and battery, false imprisonment, for goods taken and carried away, for negligent injuries to the person, and actions for damage done to real or personal estate.

This act is ordered to take immediate effect.

Approved May 26, 1885.

[No. 114.]

AN ACT to provide for the continuance of actions in Justices' Courts in case of vacancy in the office, or sickness, absence, or other inability of the Justice before whom the same shall have been commenced, to perform the duties of his office.

SECTION 1. *The People of the State of Michigan enact*, That in case a vacancy from any cause shall occur in the office of a justice of the peace, all causes and matters pending before him at the time such vacancy shall occur shall stand transferred to the justice of the same township or city whose term of office shall soonest expire: *Provided*, That the hearing or trial of the same shall not be had Vacancy occurring, causes pending to be transferred to. within ten days after such vacancy shall occur. Provided.

SEC. 2. In case of the sickness of any justice, or of his absence from the township or city in which he was elected, or his inability from any cause, temporarily or negligently, to perform the duties of his office, any such matter or cause pending before him shall stand continued before him two weeks, at the end of which time, unless said justice shall be able to attend the same, such cause or matter shall stand transferred to the justice of the same township or city, whose term of office shall soonest expire, and be heard or tried before him in the same manner and time as in case of a vacancy: *Provided*, Causes to be transferred for what reasons. That this act shall not be construed to prevent the transfer of causes by justices under the existing provisions of law. Provided.

Approved May 26, 1885.

[No. 115.]

AN ACT to provide for heating, finishing, and furnishing of the asylum for insane criminals.

SECTION 1. *The People of the State of Michigan enact*, That the sum of two thousand seven hundred and fifty dollars be and is hereby appropriated out of the general fund for boiler house and chimney at the asylum for insane criminals; and that the further sum of ten thousand dollars be and is hereby appropriated out of Appropriations made.

the general fund for the extension and completion of the asylum for insane criminals, according to the original plans and specifications; and that the further sum of seven thousand dollars be and is hereby appropriated out of the general fund for furnishing the asylum for insane criminals; to be expended in the year eighteen hundred and eighty-five, under the direction of the board of managers of the State House of Correction and Reformatory at Ionia. Also the further sum of five hundred dollars is hereby appropriated to be expended during the year eighteen hundred and eighty-five in building two cisterns and connections for said asylum. Also the further sum of two thousand dollars is hereby appropriated for building a division wall and iron gate between the prison grounds and asylum building, during the year eighteen hundred and eighty-five, under the same direction as above mentioned.

Working capital.

How drawn.

How to be credited, used, and accounted for.

SEC. 2. That the further sum of four thousand dollars is hereby appropriated out of the general fund of the State treasury to be used as a working capital for the said Criminal Insane Asylum, and may be drawn from the State treasury upon a warrant of the Auditor General in such sums and at such times as shall be made to appear to him necessary for the purposes specified in this section, and when so drawn shall be credited in the current expense account and used only for such expenditures as are chargeable to that account as the same is kept on the books of said Asylum, and their receipts and disbursements shall be accounted for by duplicate vouchers and monthly accounts current as provided for by act number one hundred and forty-eight of the laws of eighteen hundred and seventy-three.

Tax for.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-five the several sums appropriated by sections one and two of this act, which amount when collected shall be passed to the credit of the general fund.

This act is ordered to take immediate effect.

Approved May 26, 1885.

[No. 116.]

AN ACT making appropriations for the current expenses and for buildings, etc., for the Michigan School for the Blind for the years eighteen hundred and eighty-five and eighteen hundred and eighty-six.

Appropriation current expenses.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated from the general fund the sum of twenty-five thousand dollars to meet the current expenses of the Michigan School for the Blind for the year eighteen hundred and eighty-five, and the further sum of thirty thousand dollars to meet the current expenses of the Michigan School for the Blind for the year eighteen hundred and eighty-six.

Appropriation for chimney, etc.

SEC. 2. The sum of eleven thousand nine hundred and twenty dollars is hereby appropriated for the following purposes in the year

eighteen hundred and eighty-five: For building brick chimney, one thousand five hundred dollars; for power boiler or boilers, two thousand dollars; for fencing on farm and yard, three hundred and twenty dollars; for general repairs and repainting, one thousand dollars; for tile drainage on farm and grading, six hundred dollars; for roof on coal shed and painting the same, four hundred dollars; for furnishing buildings, one thousand dollars; for five pianos, one thousand five hundred dollars; for wood-shed, four hundred dollars; for horse and cows, seven hundred dollars; for iron balconies and fire escapes, two thousand five hundred dollars.

SEC. 3. Of the above mentioned sums the Auditor General shall Tax for. add to and incorporate with the State tax for the year eighteen hundred and eighty-five the sum of thirty-six thousand nine hundred and twenty dollars, and for the year eighteen hundred and eighty-six the sum of thirty thousand dollars.

This act is ordered to take immediate effect.

Approved May 26, 1885.

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[No. 117.]

AN ACT making an appropriation for the purchase of books for the State Library and for other purposes.

SECTION 1. *The People of the State of Michigan enact*, That the Appropriation made. sum of three thousand dollars for the year one thousand eight hundred and eighty-five, and the sum of three thousand dollars for the year one thousand eight hundred and eighty-six, be and the same is hereby appropriated out of any money in the treasury of the State to the credit of the general fund not otherwise appropriated, for the purchase of books for the State library.

SEC. 2. The State Librarian is hereby authorized to employ, with Assistance during session of Legislature. the approval of the Governor, such temporary assistance during the session of the Legislature as may be necessary for the care and management of the library.

SEC. 3. The money so appropriated shall be drawn from the State Money, how drawn. treasury, upon warrant of the Auditor General, and shall be expended by the State Librarian, with the advice and consent of the Governor, for the purpose aforesaid.

This act is ordered to take immediate effect.

Approved May 26, 1885.

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[No. 118.]

AN ACT to amend section five of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred seventy-one, entitled "An act to amend chapter ninety-three of the revised statutes of eighteen hundred forty-six, entitled 'Of courts held by justices of the peace,'" the same being section six thousand eight hundred eighteen of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section



Section  
amended.

five of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred seventy-one, entitled "An act to amend chapter ninety-three of the revised statutes of eighteen hundred forty-six, entitled 'Of courts held by justices of the peace,' " the same being section six thousand eight hundred eighteen of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Actions com-  
menced to be  
brought where,  
etc.

SEC. 5. Every action commenced in such court shall be brought before some justice of the peace of the city or township where:

*First*, The plaintiffs or any of them reside; or

*Second*, Where the defendants or any of them reside; or

Proviso.

*Third*, Before some justice of another township or city, in the same county, next adjoining the residence of the plaintiff or defendant or one of the plaintiffs or defendants: *Provided, however*, That no justice of the peace of any of the townships in the county of Wayne shall have jurisdiction over any cause or proceeding, where both parties to the same or one or more of the plaintiffs and one or more of the defendants reside in the city of Detroit at the time of the commencement of the proceeding or cause, nor in case where the original cause of action existed in favor of a plaintiff and against a defendant, both residents of said city, and has been assigned to a non-resident of said city; or

Proviso.

*Fourth*, Before some justice of a city in the same county, formed from a township or townships next adjoining the residence of the plaintiff or defendant, or one of the plaintiffs or defendants: *Provided*, That nothing herein contained shall change or limit the jurisdiction of a justice of the peace where the same has been prescribed by the charter of an incorporated city.

Ordered to take immediate effect.

Approved May 27, 1885.

[No. 119.]

AN ACT to amend section fourteen of an act relating to burying grounds, approved February twelfth, eighteen hundred and fifty-five, being section four thousand seven hundred and forty-one, Howell's Annotated Statutes.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen of an act entitled "An act relating to burying grounds," approved February twelfth, eighteen hundred and fifty-five, being section forty-seven hundred and forty-one of Howell's Annotated Statutes, be and is hereby amended so as to read as follows:

Compensation  
of officers.

SEC. 14. The president, clerk, treasurer, and superintendent of grounds of any corporation organized under this act shall receive such compensation for their services as shall be allowed by a majority of the stockholders, and no more: *Provided*, That if the stockholders neglect to fix such compensation, the same may be fixed, from time to time, by the board of trustees.

Proviso.

This act is ordered to take immediate effect.

Approved May 27, 1885.

## [No. 120.]

AN ACT to provide for an appropriation for the preparation, publication, and distribution of the proceedings of the annual meetings of the Michigan Superintendents of the Poor for the years eighteen hundred and eighty-five and eighteen hundred and eighty-six.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated from the general fund the sum of one hundred and fifty dollars, for each of the years eighteen hundred and eighty-five and eighteen hundred and eighty-six, to be expended for the preparation, publication, and distribution of the proceedings of the annual meetings of the Michigan Superintendents of the Poor for each of said years. Appropriations made.

SEC. 2. Said money shall be expended under the direction of the Secretary of the State Board of Corrections and Charities, who shall report to the Governor on or before the first day of July in each of said years, giving an itemized account of the manner of such expenditures, and the Auditor General shall issue his warrant for the payment of said moneys, on presentation to him of the order of the President of the State Board of Corrections and Charities, countersigned by the Secretary thereof. How expended.

This act is ordered to take immediate effect.

Approved May 27, 1885.

## [No. 121.]

AN ACT to provide a uniform system of records and accounts for use of superintendents, overseers, and directors of the poor, and keepers of poorhouses.

SECTION 1. *The People of the State of Michigan enact*, That the Attorney General, Secretary of State, and Secretary of the State Board of Charities be and they are hereby authorized and directed to act with the committee appointed by the association of county superintendents of the poor for that purpose in the preparation of a uniform system of records and accounts for the use of superintendents, overseers, and directors of the poor, and keepers of the poorhouses. Attorney General, Secretary of State, Secretary Board of Charities, etc., to prepare system of accounts, etc.

SEC. 2. When the forms for the records and accounts provided for by the preceding section shall have been prepared and perfected, it shall be the duty of the Secretary of State to cause a sufficient number of copies of the same to be printed and bound, to supply each of the officers entitled to the same, and any of such officers as shall thereafter neglect to keep the records and accounts in the manner so prescribed, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars, which fine shall be paid into the treasury of the county wherein such neglect or failure occurred; and it shall be the duty of the prosecuting attorney of any county, upon being notified of any such neglect or Secretary of State to have printed, etc.

Penalty for not keeping records as prescribed.

Duty of prosecuting attorney.

failure, to immediately commence suit against the parties offending, and prosecute the same to a final termination.

Blanks to be furnished at cost, and payment for same, how made.

Proviso.

Allowance of expenses of committee.

SEC. 3. Such records and system of accounts shall be furnished by the Secretary of State at cost, and the accounts for the same shall be allowed by the boards of supervisors, and paid by the county treasurers: *Provided*, That if any board of supervisors neglects or refuses to allow such accounts, then in that case the amounts of such accounts shall be charged to such county by the Auditor General, and included in the tax the next succeeding year.

SEC. 4. The committee appointed by the association of superintendents of the poor, to assist in the preparation of such uniform system of records and accounts shall be allowed such sum for services so rendered as the Board of State Auditors may deem just and proper, not exceeding three dollars per day each, and their actual railroad fare from their place of residence to the capitol and return.

Approved May 27, 1885.

### [No. 122.]

#### AN ACT relating to the proof of instruments in writing.

Manner of proving written instruments having subscribing witnesses.

Exception.

SECTION 1. *The People of the State of Michigan enact*, That whenever upon the trial of any action, civil or criminal, or upon the hearing of any judicial proceeding, a written instrument is offered in evidence, to which there is a subscribing witness, it shall not be necessary to call such subscribing witness, but such instrument may be proved in the same manner as it might be proved if there were no subscribing witness thereto, except in cases of written instruments to the validity of which one or more subscribing witnesses are required by law.

Ordered to take immediate effect.

Approved May 28, 1885.

### [No. 123.]

#### AN ACT to protect defendants in actions when they have given notice of set-off.

When plaintiff not allowed to discontinue suit.

SECTION 1. *The People of the State of Michigan enact*, That in any action hereafter commenced in this State, when the defendant has given notice of set-off, the plaintiff shall not be allowed to discontinue his suit or submit to a non-suit without the consent of the defendant.

Approved May 28, 1885.

## [No. 124.]

AN ACT to amend section one of act number eighteen of the session laws of eighteen hundred seventy-seven, being compiler's section six thousand seven hundred forty-seven of Howell's Annotated Statutes relative to sales of lands in pursuance of decrees in chancery.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number eighteen, of the session laws of eighteen hundred seventy-seven, being compiler's section six thousand seven hundred forty-seven of Howell's Annotated Statutes of Michigan, be and the same is hereby amended so as to read as follows: Section amended.

SECTION 1. That hereafter the circuit court commissioner or other officer authorized by law, or any person duly authorized by an order of the court to sell real estate in pursuance of any decree or final order of a court of equity, shall previous to such sale, give notice thereof by posting up in three public places in the city, village, or township where such real estate shall be sold, six weeks previous to the sale, a written or printed notice thereof, and cause a copy of such notice to be published once in each week for six successive weeks in a newspaper printed and circulating in the county in which such estate is to be sold, if there be one. If there be no newspaper printed in said county then such notice shall be published for a like time and in a like manner in some newspaper published nearest thereto. Sale of real estate by order of court.  
Notice of, how given.

Approved May 28, 1885.

## [No. 125.]

AN ACT to amend sections eighty and eighty-one, of chapter two hundred and forty-seven of Howell's Annotated Statutes, being compiler's sections six thousand six hundred and seventy and six thousand six hundred and seventy-one, relative to proceedings against absent, concealed, and non-resident defendants, in courts of chancery.

SECTION 1. *The People of the State of Michigan enact*, That sections eighty and eighty-one, of chapter two hundred and forty-seven of Howell's Annotated Statutes, being compiler's sections six thousand six hundred and seventy and six thousand six hundred and seventy-one, relative to proceedings against absent, concealed, and non-resident defendants in courts of chancery, be and the same are hereby amended so as to read as follows: Section amended.

§ 6670 SEC. 80. After the filing of a bill, the circuit judge or circuit court commissioner shall make an order for the appearance of a defendant, at a future day therein to be specified, as hereinafter directed in the following cases: Order for appearance by judge or commissioner.

*First*, When the defendant resides out of this State, upon proof by affidavit of that fact; In what cases to be given.

Idem.

*Second*, When the defendant is a resident of this State, upon proof by affidavit that the process for his appearance has been duly issued, and that the same could not be served by reason of his absence from, or concealment within this State, or by reason of his continued absence from his place of residence;

*Third*, When it cannot be ascertained in what State or country the defendant resides, upon proof thereof by affidavit.

Requirement of order.

§ 6671 SEC. 81. The order shall require the defendant to appear and answer as follows:

Limitation of answer.

*First*, If a resident of this State, in not less than three months.

*Second*, If a resident of some other of the United States, or of one of the territories thereof, or of the British provinces of North America, in not less than four months;

*Third*, If a resident of any other State or country not before mentioned, or if he has departed from his last known place of residence, and his residence cannot be ascertained, or if it cannot be ascertained in what State or country he resides in not less than five months from the date of making such order.

Approved May 28, 1885.

[No. 126.]

AN ACT making it a felony to manufacture, buy, sell, furnish, or cause to be furnished, or have in possession any nitro-glycerine, dynamite, giant powder, or any other dangerous explosive material for unlawful purposes, and to provide a punishment for the same.

Explosive substances.

SECTION 1. *The People of the State of Michigan enact*, That any person who shall manufacture, buy, sell, furnish, or cause to be furnished, or have in possession any nitro-glycerine, dynamite, giant powder, or any other dangerous explosive material, with the intent to willfully and maliciously destroy the life or property of another, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the State prison for a term not less than one year nor more than twenty years.

Penalty for manufacture, sale, etc., of.

Approved May 28, 1885.

[No. 127.]

AN ACT to revise and amend sections four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, nineteen and twenty of an act entitled "An act to establish and organize a municipal court in the city of Grand Rapids to be known and called 'the police court of Grand Rapids,' and to repeal an act entitled an act to establish and organize a police court in the city of Grand Rapids," approved April thirtieth, eighteen hundred and seventy-three, and all amendments thereto, and all acts and parts of acts in any wise contravening the provis-



ions of this act," being act number seventy-six of the session laws of eighteen hundred and seventy-nine, approved May thirteen, eighteen hundred and seventy-nine.

SECTION 1. *The People of the State of Michigan enact*, That sections four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, nineteen and twenty, of an act entitled "An act to establish and organize a municipal court in the city of Grand Rapids, to be known and called 'the police court of Grand Rapids,' and to repeal an act entitled, an act to establish and organize a police court in the city of Grand Rapids, approved April thirtieth, eighteen hundred and seventy-three, and all amendments thereto, and all acts and parts of acts in any wise contravening the provisions of this act," being act number seventy-six of the session laws of eighteen hundred and seventy-nine, approved May thirteen, eighteen hundred and seventy-nine, be and the same are hereby amended to read as follows:

Sections and  
acts amended.

SEC. 4. It shall be the duty of the prosecuting attorney of the county of Kent, or his authorized deputy or assistant, to attend all sessions of said police court, when requested by the judge so to do, and prosecute all State criminal cases therein; and it shall be the duty of the city attorney, or any assistant, authorized by the common council, to attend all sessions of said court, to prosecute all violations of the charter, by-laws, or ordinances therein.

Duty of prosecuting attorney.

Of city attorney.

SEC. 5. The police judge shall hold a court in said city, at a suitable place, to be provided by the common council thereof, to be styled the police court, and which shall not be a court of record. Said police judge or clerk shall each have power and authority to take complaints, issue all processes necessary in said court, to be assigned by or attested in the name of said judge, and the court shall have the same power to punish contempts and preserve order, to compel the attendance of witnesses, parties, and jurors, and determine as to the qualifications of jurors, and in every trial in said court by jury, the city or the people, as the case may be, shall be entitled to but two peremptory challenges, and the accused to but two peremptory challenges; and such further powers incident to a circuit court, and the judge thereof, as may be convenient in the exercise of the jurisdiction and powers herein conferred upon him as such court. He shall also have all the powers and authority of a justice of the peace except in the trial of civil cases.

Common council to provide place for holding of police court.

Powers of judge, clerk, and court.

Peremptory challenges, etc.

SEC. 6. Said police court shall have exclusive original jurisdiction to issue process for, hear, try, and determine all cases against persons charged with violations of the provisions of the charter of said city, or of any acts of the Legislature relating to the government thereof, and of the by-laws and ordinances of the common council thereof, already enacted, or that may hereafter be enacted, anything in any other law of this State or the charter of said city, or any ordinance of said city contained to the contrary thereof notwithstanding, and all the provisions of law relative to complaints against offenders for violations of the provisions of the charter of said city or any by-law or ordinance of the common council of said city or of

Jurisdiction.

the acts aforesaid and relative to process, proceedings and judgments therein, and relative to executions upon such judgments and proceedings thereon shall apply to said police court. Said police court shall also have exclusive original jurisdiction to issue process for, hear, try, and determine all cases of misdemeanor, and of a *quasi* criminal nature, committed within the corporate limits of said city heretofore or hereafter within the jurisdiction of justices' courts, and all cases of misdemeanor committed within the corporate limits of the city of Grand Rapids, anything otherwise herein or in any other law of this State contained to the contrary thereof in anywise notwithstanding. Said police court shall also have exclusive original jurisdiction to issue process for, hear, try, and examine, and to hold to bail or discharge all persons charged therein with the commission of felonies within the corporate limits of said city. Said police court shall have authority to sentence any person convicted therein of the commission of a misdemeanor and triable in justice courts of this State, the same as justices of the peace may by law do, and in all other cases of misdemeanor as is or may be provided by law for such offense. It shall not be necessary to file a record of any conviction had in said court, but the dockets or journal entries and files shall be *prima facie* evidence of all proceedings had in said court. And in all cases of the violation of the provisions of the charter, by-laws or ordinances of said city, each member of the police force may make arrest without process when committed in his presence, in which case complaint and arraignment shall be made without delay, so that no injustice shall be done.

**Dockets and files to be prima facie evidence of proceedings.**

**When arrest without process may be made.**

**Practice in this court.**

**Process.**

**Record by sheriff of process.**

**Fees prohibited.**

**Salary of judge.**

SEC. 7. The practice in said court may be the same as practice in courts of justices of the peace in criminal cases, and the laws of this State relative to such practice, and the procedure before justices of the peace in criminal cases shall, except where herein otherwise provided, extend to said police court, so far as is consistent with the practice of said court. All process issued out of said court shall be directed to the chief of police, or any member of the police force of said city, or to the sheriff of Kent county, but no such process shall be served or executed by the chief of police or any member of said police force outside of the corporate limits of said city, unless in case of immediate pursuit in view of such officer, in which case he or they may pursue and arrest the same as the sheriff of the county might in like case do. It shall be the duty of the sheriff to keep a record of all process required to be served and executed outside of said city, which record shall show the date of the process, name of the accused, a summary of the proceedings had therein and the amount of fees and charges of the officers who shall execute the same.

SEC. 8. The police judge and clerk shall receive no fees or perquisites for their services performed under this act, but in lieu thereof the police judge shall receive an annual salary of fifteen hundred dollars, one half of which shall be paid by the city of Grand Rapids monthly in the manner provided by law for the salary of the judge of the superior court of Grand Rapids, and one half of which shall be paid by the treasurer of the county of Kent, out of the

treasury of said county in the manner provided by law for the payment of the salary of the prosecuting attorney. The clerk of said police court shall receive an annual salary, to be paid in the manner herein provided for the payment of the salary of the police judge, of one thousand dollars, one half of which shall be paid by said city, and one-half thereof by the treasurer of the county of Kent, out of the treasury of said county. Neither the chief of police nor any member of the police force of said city shall be entitled to receive for his own use any fees for services performed under this act, but in lieu thereof the chief of police and members of the police force of said city shall receive such annual salary as shall be fixed by the Board of Police and Fire Commissioners of the city of Grand Rapids.

Salary of clerk.

Prohibition of fees and fixing salary of police.

SEC. 9. It shall be the duty of the common council of said city to provide a suitable office for the judge and clerk of said court adjacent to the court room thereof, as near as may be, and such necessary furniture, light, fuel, records, blanks, stationery, and other articles as may be required for the judge, court, clerk, jury, and other officers of said court.

Common council to provide office, etc., for judge, clerk, etc.

SEC. 10. The police court shall always be open for business, but may adjourn its sittings from day to day and from time to time as may be convenient and not inconsistent with the dispatch of business therein. Cases and examinations pending in said court may be adjourned from time to time, not exceeding three months from the arraignment of the accused therein, unless the court shall be satisfied by proper evidence that the attainment of justice requires a further continuance, and then only for such further time as the exigency of the case for the attainment of the object aforesaid shall require. One member at least of the police force of said city shall attend each session of said court as the officer thereof, and shall be designated as "the bailiff" of said court. It shall be the duty of the Board of Police and Fire Commissioners of said city immediately on this act taking effect to by resolution detail a policeman of said city as such bailiff, a true copy of which shall be thereupon certified by the clerk of said Board of Police and Fire Commissioners to the clerk of said police court, which shall by him be kept as a part of the records and files of said court, and upon a vacancy occurring in said office by removal or otherwise, the same shall be immediately filled as above provided. In case of the removal from the city of the judge of said police court, his death, resignation, or removal from office, his office shall be deemed vacant, and such vacancy filled in the manner hereinbefore provided. The same causes shall be deemed to constitute a vacancy in the office of clerk of said police court, and such vacancy shall be filled in like manner.

Court to be open at all times.

Examinations, adjournment of

Police officer to attend as bailiff.

How detailed.

Filling of vacancy.

Vacancy in office of judge.

SEC. 11. It shall be the duty of the judge of said court to instruct the jury as to the laws applicable to the case, which instruction shall be received by the jury as the law of the case. Such defendant shall have the right of appeal, provided such appeal shall be taken and perfected within twenty-four hours from the time of the court pronouncing its judgment or sentence, and *certiorari* from final judgment of said court, as provided by law for appeals and cer-

Judge to instruct jury as to law of case.

Right of appeal.

Juries.	<p><i>tiorari</i> from final judgments of justices of the peace in criminal cases, such appeals being taken and perfected as hereinbefore in this section provided. In State criminal cases appeals and writs of <i>certiorari</i> shall when taken be taken to the circuit court for the county of Kent. Juries shall be obtained and appeals and writs of <i>certiorari</i>, both in city and State cases, shall be taken, perfected, and returned in the manner provided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided.</p>
Assistant police judge.	<p>SEC. 12. At the first annual meeting of the common council of said city in each year, or within twenty days thereafter, said council shall select, upon the nomination of the mayor, from among the justices of the peace of said city, a suitable and qualified person as assistant police judge, who shall possess the same qualifications as are required of the police judge, and exercise the power, authority, and jurisdiction herein conferred upon said police judge, in case of the absence, inability or disability of the police judge to perform the duties of his office. He shall receive compensation for the time he shall officiate at the rate of three dollars per day, to be paid in the same manner as the police judge, except that his claim for such salary shall be allowed as other claims against said city and county.</p>
Cases for violation of city ordinances.	<p>SEC. 13. Cases commenced in the name of said city for violations of the provisions of the charter or ordinances of said city, or of any act of the Legislature relating to the government thereof, shall be prosecuted and proceeded in and the judgment thereon, and the final process upon such judgment to carry the same into effect, shall be in all respects as in criminal cases, but all fines and costs collected in such cases shall be by the clerk of the police court paid to the treasurer of the city of Grand Rapids on the first Monday of each and every month or within three days thereafter, and all fines and costs collected in State criminal cases shall at the same time be paid to the treasurer of the county of Kent by the clerk of the police court, and receipts therefor shall be duly issued to said clerk. Said clerk shall at the same time report in writing to the common council of said city, in city and State criminal cases, and to the board of supervisors in State criminal cases, the names of all persons tried in said court during the preceding month, the offense charged against each, and the amount of fine and costs separately collected by him, and shall make oath thereto that the same are correct, and that he has paid over all the said moneys respectively in accordance with the provisions of this act.</p>
Fines, disposition of.	
Clerk to make report of.	
Fees and costs.	<p>SEC. 14. The fees and costs in each case in the said court, whether under the laws of this State or under the charter, by-laws, or ordinances of said city, shall be the same as are or may be provided by law for like cases before justices of the peace, in criminal cases, and shall be taxed by the said clerk. The fees of witnesses, jurors, sheriffs, and constables, other than police officers of said city, shall when collected be paid to them by said clerk, to their own use, and in city cases commenced before said police court for the recovery of fines, penalties, or forfeitures, and in all cases of offenses against the criminal laws of this State, within the jurisdiction of said court to try and determine. If the defendant shall plead guilty to the offense</p>
Fees of witnesses, jurors, etc.	

charged, or shall be found guilty thereof on trial by said judge, judgment for costs accruing in the case shall be rendered against and paid by said defendant, in addition to the fine, penalty, or forfeiture imposed.

Costs when defendant is guilty.

SEC. 15. The said police judge or clerk shall have authority in all cases, either State or city, at his discretion, either before or after issuing of process, to require of the complaining witness security for costs to the satisfaction of said judge or clerk, and the person becoming such surety shall sign a memorandum in writing to that effect, which said clerk shall keep as a part of the record in the case. If the defendant or accused be discharged on examination or acquitted on trial, the said police court shall enter a judgment for costs against the surety and the complaining witness, either or both of them, which shall be of like force and effect, and shall be collected as upon judgments rendered by a justice of the peace in actions commenced by warrant, and of like form with such executions as near as may be : *Provided however*, Before rendering such judgment said court shall cause to be certified on the record that such payment of costs by such complainant is just and equitable.

Security for costs.

When judgment for costs to be had against sureties.

Proviso.

SEC. 17. The clerk of the police court shall keep the records of said court, and do all the necessary clerical labor of said court, and be the custodian of the records and files and property of said court. He shall provide the court and its officers with necessary stationery, records, blanks, and other articles, to be furnished by said city on requisition on the common council thereof. The journal or docket entries of said court shall be signed by the judge thereof. Said clerk shall receive and account for all moneys collected in said court. He shall annually nominate a suitable person as deputy, to be elected by the common council of said city, who shall perform the duties of said clerk, in case of the absence, inability, or disability of said clerk to act. Such deputy shall, before acting, take and file the oath of office, and make and file the like bonds as are required of the clerk. While he shall officiate he shall receive the salary of the clerk, and during such time the clerk shall receive no salary. Said clerk of the said court shall file and preserve all the records and files of said court, and he shall not be concerned as counsel in any case therein. Said clerk may sign and seal, either with a scroll or device, and if with a device, such device as may be ordered by such police judge,—which order, if made, shall be filed and recorded by said clerk as a part of the records of said court,—all writs and process issuing from said court, as provided in section five of this act, and shall have power generally to administer oaths and affidavits, take recognizance or bail, swear witnesses and jurors, and to do all acts usual and proper to do by the clerk of the superior court of Grand Rapids, within the jurisdiction of said police court.

Duty of clerk of court to keep records, etc.

Judge to sign docket.  
Account of moneys collected.  
Deputy clerk.

Salary of.

Filing and preservation of court records.  
Seal of.

Power of clerk as to writs and process, etc.

SEC. 20. In case of examinations of offenders by said police court, for offenses committed against the criminal laws of this State, when said police court has jurisdiction to examine and hold to bail only, it shall be lawful for said police court to cause an order to be entered in the record of such examination, appointing, if in his judgment it be for the best interest of the public so to do, some suitable stenog-

Examination of offenders.

Employment of stenographer.



rapher to take down in shorthand the testimony, in any such examination, and any stenographer so employed in any such examination shall receive such per diem compensation for the time by him expended in so taking down such testimony, and such price per folio for writing out in long hand such testimony so taken in shorthand as shall be fixed by the board of supervisors of Kent county, the same to be allowed and paid out of the treasury of said county.

Repealing  
clause.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Ordered to take immediate effect.

Approved May 28, 1885.

[No. 128.]

AN ACT to amend section one of an act entitled "An act to authorize proceedings by garnishment in the circuit courts and the district court of the Upper Peninsula," approved March sixteen, eighteen hundred sixty-one, as the same has been amended by the several acts amendatory thereof, the same being section eight thousand fifty-eight of Howell's Annotated Statutes of the State of Michigan.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to authorize proceedings by [garnishment] garnishments in the circuit courts and the district court of the Upper Peninsula," approved March sixteen, eighteen hundred sixty-one, as the same has been amended by the several acts amendatory thereof, the same being section eight thousand fifty-eight of Howell's Annotated Statutes of the State of Michigan, be and the same hereby is amended so as to read as follows:

Writ of garnish-  
ment, when to  
issue.

§ 8058. SECTION 1. That in all personal actions arising upon contract, express or implied, brought in the several circuit courts or municipal courts, of civil jurisdiction, whether commenced by declaration, writs of capias, summons, or attachment; and in all cases where there remains any sum unpaid upon any judgment or decree rendered in any of the several courts hereinbefore mentioned, if the plaintiff, his agent or attorney, shall file with the clerk of the court at the time of, or after the commencement of suit, or at any time after rendition of judgment or decree, an affidavit stating that he has good reason to believe, and does believe, that any person (naming him) has property, money, goods, chattels, credits, or effects in his hands or under his custody or control, belonging to the defendant or any or either of the defendants or that such person is indebted to the defendant or any or either of the defendants, whether such indebtedness is due or not, and that the principal defendant or any or either of the defendants (naming him or them) is justly indebted to the plaintiff on such contract, judgment, or decree in a given amount, over and above all legal set-offs, and that the plaintiff or affiant is justly apprehensive of the loss of the same, unless a writ of garnishment issue to the aforesaid person, a writ of

garnishment shall be issued, sealed, and tested in the same manner as writs of summons, and directed to the sheriff, reciting the commencement of said suit, or the rendition of judgment or decree against the principal defendant or any or either of the defendants, and the filing of the affidavit aforesaid, and thereupon commanding said sheriff to warn and summon such person to appear before said court on a day named, not less than fourteen days from the date of issuing the same, to make disclosure in writing under his oath, to be filed with the clerk of said court, touching his liability as garnishee of the principal defendant or any or either of the defendants (naming him or them), as charged in said affidavit, and thenceforth pay no money and deliver no property to the principal defendant or any or either of the defendants, and of said writ make due return.

Approved May 28, 1885.

[No. 129.]

AN ACT to authorize the appointment of an assistant prosecuting attorney for Jackson county.

SECTION 1. *The People of the State of Michigan enact*, That the prosecuting attorney of the county of Jackson is hereby authorized and empowered to appoint an assistant prosecuting attorney for Jackson county, which appointment shall be in writing and filed with the clerk of said county. Appointment of assistant.

SEC. 2. That the salary of the said assistant prosecuting attorney shall be fixed by the board of supervisors of Jackson county. Salary of.

SEC. 3. That said assistant prosecuting attorney shall hold his office during the pleasure of the prosecuting attorney of said county. Term of office.

SEC. 4. That said assistant prosecuting attorney shall perform such duties as may be required of him by the prosecuting attorney, and shall be subject to all the disqualifications and disabilities of the prosecuting attorney in other cases, and shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State and file the same together with his acceptance, with the county clerk of said county. Duties of. Oath of office.

SEC. 5. That in case of removal the prosecuting attorney of said county shall file with the clerk of said county a revocation of such appointment. Removal of assistant.

Ordered to take immediate effect.

Approved May 28, 1885.

[No. 130.]

AN ACT to protect all citizens in their civil rights.

SECTION 1. *The People of the State of Michigan enact*, That all persons within the jurisdiction of said State shall be entitled to the full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, eating-houses, barber shops, public conveyances All persons entitled to equal accommodations, etc., of inns, etc.

on land and water, theatres, and all other places of public accommodation and amusement, subject only to the conditions and limitation established by law and applicable alike to all citizens.

Penalty for  
violation of  
this act.

SEC. 2. That any person who shall violate any of the provisions of the foregoing section, by denying to any citizen, except for reasons applicable alike to all citizens of every race and color, and regardless of color or race, the full accommodations, advantages, facilities, or privileges in said section enumerated or by aiding or inciting such denial, shall for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed one hundred dollars, or shall be imprisoned not more than thirty days, or both.

Race or color  
not to disqualify  
for service on  
grand or petit  
jurors.

SEC. 3. That no citizen of the State of Michigan, possessing all other qualifications which are or may be prescribed by law, shall be disqualified to serve as grand or petit juror in any court of said State on account of race or color, and any officer or other person charged with any duty in the selection or summoning of jurors, who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both.

Approved May 28, 1885.

[No. 131.]

AN ACT to suspend the operation of section four thousand and twenty-three of the compiled laws of eighteen hundred and seventy-one, being compiler's section fifty-four hundred and seventy-eight of Howell's Annotated Statutes, in certain cases, for a period of five years from the first day of January, in the year of our Lord eighteen hundred and eighty-six.

Section  
suspended.

Term of  
suspension.

Applicable to  
gold, silver,  
lead, etc.

SECTION 1. *The People of the State of Michigan enact*, That the operation of section four thousand and twenty-four of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand four hundred and seventy-eight of Howell's Annotated Statutes, be and the same is hereby suspended for the period of five years from the first day of January, in the year of our Lord eighteen hundred and eighty-six, so far as the same applies to gold, silver, and lead, and the ores of said minerals.

This act is ordered to take immediate effect.

Approved May 29, 1885.

[No. 132.]

AN ACT to amend section eighteen of chapter two hundred and sixty-six of the compiled laws of eighteen hundred and seventy-one, being section ninety-six hundred and fifty-one of Howell's Statutes, relative to the inspection of county jails and the regulation thereof.

SECTION 1. *The People of the State of Michigan enact*, That section eighteen of chapter two hundred and sixty-six of the compiled laws of eighteen hundred and seventy-one, being section ninety-six hundred and fifty-one of Howell's Statutes, be and the same is amended so as to read as follows:

9651. SEC. 18. It shall be the duty of such inspectors to visit and thoroughly examine and inspect the said prisons in the month of May and also in the month of November in every year, and make and sign in duplicate a detailed report of their inspection and of the condition of such prison at the time of such inspection, one of which duplicate reports shall be forthwith transmitted to the Secretary of the Board of Corrections and Charities, and the other duplicate report shall, by one of said inspectors in person, be presented to the circuit court at the next session of the court held in their county.

Section amended.

Inspectors' duty to visit and examine prison.

Duplicate reports, to whom sent.

Approved June 2, 1885.

[No. 133.]

AN ACT to provide for an attorney fee in the foreclosure of real estate mortgages by advertisement.

SECTION 1. *The People of the State of Michigan enact*, That in all cases of foreclosure of a mortgage upon real estate by advertisement, where an attorney and counselor-at-law is employed to foreclose the same, an attorney fee (not to exceed, however, the amount provided for, if any, in the mortgage being foreclosed) may be included as a part of the costs, in the amount bid upon such sale for principal and interest due thereon, as follows: For all sums of five hundred dollars or less, fifteen dollars; for all sums over five hundred dollars, and not exceeding one thousand dollars, twenty-five dollars; for all sums over one thousand dollars, thirty-five dollars: *Provided*, That if payment shall be made after foreclosure proceedings are commenced and before sale is made, only one-half of such attorney fee shall be collected. The several sums designated as above shall include the principal and interest due thereon.

Fee to attorney in foreclosure suit.

Proviso.

Ordered to take immediate effect.

Approved June 2, 1885.

[No. 134.]

AN ACT to regulate the practice of pharmacy in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That the Governor with the advice and consent of the Senate shall, within thirty days after the passage of this act, appoint five persons and annually thereafter one person from among such competent pharmacists in the State as have had ten years' practical experience in dispensing physicians' prescriptions who shall constitute the Michi-

Appointment of members of Board of Pharmacy.

	gan Board of Pharmacy. The terms of office of said five persons shall be so arranged that the term of one shall expire on the thirty-first day of December of each year, and all appointments made thereafter shall be for the term of five years.
Meeting, organization and election of officers of.	SEC. 2. The said board shall within thirty days after its appointment, meet, and organize by the election of a president and secretary, from its own members who shall be elected for the term of one year, and shall perform the duties prescribed by the board. It shall be the duty of the board to examine all applications for registration submitted in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to investigate complaints and to cause the prosecution of all persons violating its provisions; to report annually to the Governor, and to the Michigan Pharmaceutical Association upon the condition of pharmacy in the State, which said report shall also furnish a record of the proceedings of the said board for the year, and also the names of all pharmacists duly registered under this act; the board shall hold meetings for the examination of applicants for registration, and the transaction of such other business as shall pertain to its duties, at least once in four months, said meetings to be held on the first Tuesdays of March, July, and November in each year; shall make by-laws for the proper fulfilment of its duties under this act, and shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act, which book shall also specify such facts as said persons shall claim to justify their registration. The records of said board, or a copy of any part thereof, certified by the secretary to be a true copy, attested by the seal of the board, shall be accepted as competent evidence in all courts of the State. Three members of said board shall constitute a quorum.
Duty of.	
Report of.	
What to contain.	
Meetings for examination of applicants, etc.	
Records of, evidence in State courts.	
Quorum.	
Salary, etc., of secretary and treasurer.	SEC. 3. The secretary of the board and the treasurer thereof, if such separate office be created, shall receive a salary, which shall be fixed by the board; they shall also receive the amount of their traveling and other expenses incurred in the performance of their official duties. The other members shall receive the sum of three dollars for each day actually engaged in this service, and all legitimate and necessary expenses incurred in the performance of their official duties. Said salaries, per diem and expenses shall be paid from the fees received under the provisions of this act. All moneys received in excess of said per diem allowance, and other expenses above provided for, shall be paid into the State treasury at the end of each year, and so much thereof as shall be necessary to meet the current expenses of said board shall be subject to the order thereof, if, in any year, the receipts of said board shall not be equal to its expenses. The board shall make an annual report and render an account to the Board of State Auditors and to the Michigan Pharmaceutical Association, of all moneys received and disbursed by it pursuant to this act.
Of other members.	
How paid.	
Disposal of excess of receipts above expenses.	
Annual accounting.	
Certificate as registered pharmacist, to whom granted and how.	SEC. 4. Every person who shall, within three months after this act takes effect, forward to the Board of Pharmacy satisfactory proof, supported by his affidavit, that he was engaged in the business



of a dispensing pharmacist on his own account in this State at the time this act takes effect, in the preparation of physicians' prescriptions, or that at such time he had been employed or engaged three years or more as a pharmacist in the compounding of physicians' prescriptions, and was at said time so employed in this State, shall, upon the payment to the board of a fee of two dollars, be granted the certificate of a registered pharmacist: *Provided*, That in case of failure or neglect to register as herein provided, then such person shall, in order to be registered, comply with the requirements provided for registration as a licentiate in pharmacy hereinafter described.

SEC. 5. No person other than a licentiate in pharmacy shall be entitled to registration as a pharmacist, except as provided in section four. Licentiates in pharmacy shall be such persons, not less than eighteen years of age, who shall have passed a satisfactory examination touching their competency before the Board of Pharmacy. Every such person shall, before an examination is granted, furnish satisfactory evidence that he is of temperate habits, and pay to the board a fee of three dollars: *Provided*, That in case of the failure of any applicant to pass a satisfactory examination, the money shall be held to his credit for a second examination at any time within one year. The said board may grant certificates of registration without further examination to the licentiates of such other boards of pharmacy as it may deem proper upon a payment of a fee of two dollars.

SEC. 6. The said board may grant, under such rules and regulations as it may deem proper, at a fee not exceeding one dollar, the certificate of registered assistant, to clerks or assistants in pharmacy, not less than eighteen years of age, who at the time this act takes effect shall be engaged in such service in this State, and have been employed or engaged two years or more in the practice of pharmacy, but such certificates shall not entitle the holder to engage in such business on his own account, or to take charge of or act as manager of a pharmacy or drug store.

SEC. 7. Every registered pharmacist, or registered assistant, who desires to continue the practice of his profession, shall annually, after the expiration of the first year of his registration, during the time he shall continue in such practice, on such date as the board of pharmacy may determine, pay to the said board a registration fee to be fixed by the board, but which shall not exceed one dollar for a pharmacist, or fifty cents for an assistant, for which he shall receive a renewal of said registration. Every person receiving a certificate under this act shall keep the same conspicuously exposed in his place of business. Every registered pharmacist, or assistant, shall, within ten days after changing his place of business or employment, as designated by his certificate, notify the secretary of the board of his new place of business. If any pharmacist or registered assistant shall fail or neglect to procure his annual registration, or to comply with the other provisions of this section, his right to act as such pharmacist or assistant shall cease at the expiration of ten days from the time notice of such failure to com-

*Provided.*

Licentiate in pharmacy.

Requirements prior to examination.

*Provided.*

Certificates to licentiates of other boards.

Registered assistant.

Annual fee to be paid by pharmacists and assistants.

Certificate to be displayed conspicuously.

Notification of change of address.

Penalty for failure to procure annual registration.

ply with the provisions of this section shall have been mailed to him by the secretary of said board.

Registration obtained by false representations, revokable.

SEC. 8. All or any registration obtained through false representations shall be void, and the board of pharmacy may hear complaints and evidence, and may revoke such certificates as it may deem improperly held.

Penalty for compounding, etc., or allowing compounding, etc., of drugs, etc., by other than registered pharmacist, etc.

SEC. 9. Any proprietor of a pharmacy who, not being a registered pharmacist, shall, ninety days after this act takes effect, fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding or dispensing of prescriptions, or the vending of drugs, medicines, or poisons, in his store or place of business, except by or in the presence and under the supervision of a registered pharmacist, or except by a registered assistant; or any person, not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy or store, or who, not being a registered pharmacist or registered assistant, shall retail, compound, or dispense drugs, medicines, or poisons, or any person violating any other provision of this act to which no other penalty is herein attached, shall be deemed guilty of a misdemeanor, and for every such offense, upon conviction thereof, shall be punished by a fine of not less than ten nor more than one hundred dollars, and in default of payment thereof, shall be imprisoned not less than ten days, nor more than ninety days, or both such fine and imprisonment, in the discretion of the court.

Not to apply to business of physicians not keeping open store, etc.

SEC. 10. Nothing in this act shall apply to, or in any manner interfere with the business of any practicing physician, who does not keep open shop for the retailing, dispensing, or compounding of medicines and poisons, or prevent him from supplying to his patients such articles as may seem to him proper, nor with the business of any retail dealer engaged in business at a distance of not less than five miles from the limits of any incorporated village or city except physicians' prescriptions, nor with the vending of patent or proprietary medicines by any retail dealer, nor with the selling by any person of drugs, medicines, chemicals, essential oils and tinctures which are put up in bottles, boxes, or packages, bearing labels securely affixed, which labels shall bear the name of the pharmacist or druggist putting up the same, the dose that may be administered to persons three months, six months, one year, three years, five years, ten years, fifteen years, and twenty-one years of age, and, if a poison, the name or names of the most common antidotes; of copperas, borax, blue vitriol, saltpeter, pepper, sulphur, brimstone, Paris green, liquorice, sage, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauher salts, epsom salts, cream tartar, bi-carbonate of soda, sugar of lead, and such acids as are used in coloring and tanning, nor with the selling of paregoric, essence of peppermint, essence of ginger, essence of cinnamon, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, number six, sweet spirits of nitre, laudanum, quinine, and all other preparations of cinchona bark, tincture of aconite, and tincture of iron, compound cathartic pills, or quinine

pills, when such cathartic or quinine pills are compounded by and put up in bottles or boxes bearing the label of a registered pharmacist, with the name of article and directions for its use on each bottle or box, nor with the exclusively wholesale business of any dealer.

SEC. 11. No person shall add to or remove from any drug, medicine, chemical, pharmaceutical preparation, any ingredient or material for the purpose of adulteration or substitution, which shall deteriorate the quality, commercial value or medicinal effect, or which shall alter the nature or composition of such drug, medicine, chemical, or pharmaceutical preparation, so that it will not correspond to the recognized tests of identity or purity. Any person who shall thus willfully adulterate or alter, or cause to be adulterated or altered, or shall sell or offer for sale, any such drug, medicine, chemical, or pharmaceutical preparation, or any person who shall substitute, or cause to be substituted, one material for another, with the intention to defraud or deceive the purchaser, shall be guilty of a misdemeanor, and be liable to prosecution under this act. If convicted he shall be liable to all the costs of the action, and for the first offense be liable to a fine of not less than ten dollars no more than one hundred dollars, and for each subsequent offense, a fine of not less than twenty-five dollars nor more than one hundred and fifty dollars. On complaint being entered the board of pharmacy is hereby empowered to employ an analyst or chemist, whose duty it shall be to examine into the so-called adulteration, substitution, or alteration and report upon the result of his investigation; and if said report shall be deemed to justify such action the board shall duly cause the prosecution of the offender, as provided in this act.

Adulteration  
forbidden.

A misdemeanor.

Penalty for.

Action of board  
upon complaint  
being made.

SEC. 12. The senior pharmacist of every house dispensing and compounding medicines, registered under this act, shall be exempt and free from all jury duty in the courts of this State.

Exemption  
from jury  
service.

SEC. 13. All acts and parts of acts in conflict with provisions of this act are hereby repealed.

Repealing  
clause.

Approved June 2, 1885.

### [No. 135.]

AN ACT to amend, revise and consolidate the laws organizing asylums for the insane and regulating the care and management thereof, and of the inmates therein, and to repeal act one hundred sixty-four, laws of eighteen hundred fifty-nine; also act one hundred ninety-four, laws of eighteen hundred seventy-seven; also act ninety-one, laws of eighteen hundred seventy-three, and the acts amendatory thereto; also act one hundred seventy-two, laws of eighteen hundred seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That the asylum for the insane, located at Kalamazoo, and organized in eighteen hundred fifty-nine, shall continue to be known as the Michigan Asylum for the Insane; the Asylum located at Pontiac, and organized in eighteen hundred seventy-seven, shall continue

Designation by  
name of State  
insane asylums.

To be under control of.	to be known as the Eastern Michigan Asylum; and the asylum located at Traverse City shall be known, when organized, as the Northern Michigan Asylum. The said asylums shall be under the control of separate boards of trustees.
Board of trustees, how constituted.	SEC. 2. The board of trustees of each asylum for the insane now or hereafter organized, shall consist of six members to be appointed and hold office for a term of six years, two to be appointed every succeeding two years. The Governor shall, during the session of the
Appointment of for Northern Asylum.	Legislature of eighteen hundred eighty-five, appoint six trustees for the Northern Michigan Asylum, two for a term of two years, two for a term of four years, and two for a term of six years. And whenever, hereafter, any other asylum for the insane shall be constructed and ready for organization, the Governor shall appoint, in like manner, the governing board. All of the said trustees shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold their several offices for the terms aforesaid, and until their successors are duly appointed and qualified.
For new asylums.	SEC. 3. The Governor shall have power, and it shall be his duty, whenever any vacancy shall occur in said boards, by death, removal or otherwise, to appoint some suitable person or persons to fill such vacancy, who shall hold office until the close of the next session of the Legislature and until such vacancy can be filled as aforesaid. The government and sole and exclusive control of the several asylums for the insane shall be vested in the said several boards of trustees, and two of each board shall reside within three miles of their respective asylums.
Confirmation and tenure of office.	SEC. 4. Said boards shall have the general direction and control of all the property and concerns of the several institutions over which they are appointed, not otherwise provided for by law, and shall take charge of their general interests, and see that their designs be carried into effect, and everything done faithfully according to the requirements of the Legislature and the by-laws, rules and regulations of the asylums. They shall also have power to employ necessary legal counsel in the prosecution of claims or demands against persons or corporations, and also to defend all suits except suits for malfeasance or misfeasance in office brought against themselves, officers or employes connected with the institution for acts done in an official capacity in the due performance of duty.
Filling of vacancy, term of such appointee.	SEC. 5. The boards of trustees shall severally appoint a medical superintendent, who shall be a well educated physician, experienced in the treatment of the insane; and a treasurer, not one of their number, who shall give bonds for the faithful performance of his trust, in such sum and with such sureties as the Auditor General of the State shall approve. They shall also appoint, upon the nomination of the medical superintendent, a steward and a chaplain, and also in like manner an assistant medical superintendent and necessary assistant physicians. All medical officers shall constantly reside at the asylums: <i>Provided</i> , That this act shall not repeal or be construed to conflict with act number one hundred seventy-seven of the session laws of eighteen hundred eighty-three.
Exclusive control vested in board. Requirements as to residence.	SEC. 6. Each board of trustees shall, from time to time, determine
General powers and duties of.	
Employment of legal counsel, suits at law, etc.	
Appointment of medical superintendent.	
Treasurer, bond of.	
Steward, chaplain, assistant medical Sup't, etc.	
Residence of medical officers.	
To fix salaries.	

the annual salaries and allowances of the officers of the asylum under its charge, and such salaries shall not exceed in the aggregate the sum of ten thousand dollars for any one year. Limitation of.

SEC. 7. The trustees of the asylums shall receive no compensation for their services, but their actual and reasonable expenses incurred in the performance of their duties shall be paid by the State Treasurer on the warrant of the Auditor General, on the rendering of their accounts, out of any money to the credit of the general fund not otherwise appropriated. Compensation of trustees other than expenses, prohibited.

SEC. 8. The trustees shall keep in a bound book, to be provided for that purpose, a fair and full record of all their doings, which shall be open at all times to the inspection of the Governor of the State, and all persons whom he, or either house of the Legislature, may appoint to examine the same. Record of proceedings. May be inspected by.

SEC. 9. The several boards of trustees shall maintain an effective inspection of the asylum over which they are severally appointed, a committee for which purpose shall visit it once every month, a majority once every three months, and the whole board at least once a year, at the times and in the manner prescribed in the by-laws. In a book kept by the board of trustees for this purpose, the visiting trustee or trustees shall note the date of each visit, the condition of the house, patients, etc., with such remarks as shall be deemed proper. The general result of these inspections, with suitable hints, shall be inserted in their report, detailing the operations and actual state of the asylum, which the board shall make to the Legislature in the month of January in each alternate year, accompanied with the reports of the medical superintendent and treasurer. Inspection of asylum by trustees. To keep record of. Insert in report to Legislature.

SEC. 10. Each board of trustees is hereby directed and empowered to establish such by-laws as it may deem necessary and expedient for regulating the appointment and duties of officers, attendants, and assistants, for fixing the conditions of admissions, support, and discharge of patients, and for conducting in a proper manner the business of the institution under its charge; also, to ordain and enforce a suitable system of rules and regulations for the internal government, discipline, and management of the asylum. Adoption of by-laws, etc.

SEC. 11. It shall be the duty of the boards of trustees to meet jointly at least twice each year, meetings being held at the different asylums, and at such times as may be prescribed by their joint by-laws to adjust all questions that may arise pertaining to said institutions; and the said joint board, acting under such rules and by-laws as they may adopt, by and with the advice and consent of the medical superintendents, may transfer patients from one asylum to another if for any cause it may become necessary or desirable; the expense of such transfer to be chargeable to the person, county, or State responsible for the maintainance of the patient so transferred. Joint meeting of boards of trustees.

SEC. 12. The medical superintendent shall be chief executive officer of the asylum. He shall have the general superintendence of the buildings, grounds, and farm, together with the furniture, fixtures and stock; and the direction and control of all persons therein, subject to the by-laws and regulations established by the Powers and duties of medical superintendent.



Nominate, etc., co-resident officers.	trustees. He shall daily ascertain the condition of all the patients, and prescribe their treatment in the manner directed in the by-laws. He shall have the nomination of his co-resident officers, with power to assign them their respective duties, subject to the by-laws; also to appoint, with the approval of the trustees, such and so many other assistants and attendants as he may think necessary and proper for the economical and efficient performance of the business of the asylum, and to prescribe their several duties and places, and to fix, with the approval of the trustees, their compensation, and to discharge any of them at his sole discretion; but in every case of discharge he shall forthwith record the same, with the reasons, under an appropriate head, in one of the books of the asylum. He shall also have the power to suspend until the next meeting of the trustees, for good and sufficient cause, a resident officer; but in such case he shall forthwith give written notice of the fact, with its causes and circumstances, to one of the trustees, whose duty thereupon shall be to call a special meeting of the board to provide for the exigency.
Appointment removal, etc., of asylum employees.	
Suspension of resident officers.	
Maintenance of discipline, etc.	He shall also from time to time give such orders and instructions as he may judge best calculated to ensure good conduct, fidelity, and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum. He is authorized and directed to use every proper means to furnish employment to such patients as may be benefited by regular labor suited to their capacity and strength. He shall further cause full and fair accounts and records of all his doings, and the entire business and operations of the institution, to be kept regularly from day to day in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the last day of September immediately preceding the meeting of the Legislature, and that the principal facts and results, with his report thereon, be at that time presented to the trustees. It shall be the duty of the medical superintendent to admit any of the board of trustees into every part of the asylum, and to exhibit to him or them on demand, all the books, papers and accounts, and writings belonging to the institution, or pertaining to its business, management, discipline, or government; also to furnish copies, abstracts, and reports whenever required by the board. The medical superintendent shall make, in a book kept for that purpose, at the time of reception, a minute with date of same, the name, residence, office, and occupation of the person by whom and by whose authority each insane person is brought to the asylum; and have all the orders, warrants, requests, certificates, and other papers accompanying him forthwith filed. The assistant medical superintendent shall perform the duties and be subject to the responsibilities of the medical superintendent in his sickness or absence.
Accounts and records.	
Report of.	
Record of ad- mission, etc., of patients.	
Assistant medi- cal superintend- ent.	
Treasurer.	Sec. 13. The treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the asylum. Said moneys shall be disbursed only for the

uses and benefit of the asylum, and in the manner prescribed by the by-laws, upon the written order of the steward, countersigned by the medical superintendent, specifying the object of the payment. He shall keep full and accurate accounts of the receipts and payments, in the manner directed in the by-laws, and such other accounts as the board of trustees shall prescribe. He shall further render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the board of trustees.

Disbursement  
of moneys by.

Accounts of.

SEC. 14. The treasurer of the asylum shall be vested with the same powers, rights, and authority which are now by law given to superintendents of the poor in any county or town of the State, so far as may be necessary for the indemnity or benefit of the asylum and also for the purpose of compelling a relative or guardian to defray the expenses of an insane person's support in the asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also for enforcing the payment of similar charges when due. Said treasurer is also authorized to sue for and recover, for the use of the asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also, any and all sums which may be charged and due according to the by-laws of the asylum, for the support of any patient therein, or for actual disbursements made in his behalf, or for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name, as treasurer of the asylum, and which shall not abate by his death or removal, against the town, city, county, corporation, or person legally liable for the maintenance of said patient, and refusing or neglecting to pay the same when demanded by the treasurer; in which action the declaration may be in *assumpsit*, and judgment shall be rendered for such sums as shall be found due, with interest from the time of demand made as aforesaid. Said treasurer may also, upon receipt of the money due upon any mortgage in his hands belonging to the asylum, execute or release and acknowledge full satisfaction thereof, so that the same be discharged of record.

Powers.

SEC. 15. The steward, under the direction of the medical superintendent, and in accordance with the by-laws shall make all the purchases for the asylum, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer. He shall also, under like direction make contracts in the superintendent's name with the attendants and assistants, and keep and settle their accounts. He shall also keep the account of the support of patients, and expenses incurred in their behalf, and furnish the treasurer quarterly, and at other times when required by the medical superintendent, with copies of such as fall due. He shall also be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the asylum.

Steward.

SEC. 16. When the Northern Michigan Asylum is organized and ready to receive patients, it shall be the duty of the several asylum boards and the medical superintendents in joint meeting to divide

Division of  
State into  
asylum dis-  
tricts.

To what  
asylum patients  
to be sent.

Notice of the  
opening for  
patients, etc.,  
of the Northern  
Michigan  
Asylum.

Salaries of  
officers, time  
and manner of  
payment.

Oath of officers.

Exempt from  
jury duty, etc.

Certificate  
required for  
admission and  
confinement of  
patients.

Judge of pro-  
bate to approve.

the State into asylum districts, which districts shall contain a nearly as may be a population in number proportioned to the capacity of the several asylums, and the several counties shall be so located in the several districts as to promote, as far as possible, convenience of travel to and from the asylums to which they are assigned. The said board shall also have power at any time, and for satisfactory reasons, to transfer any county from one district to another, provided the proportion of population in the districts to the capacity of the several asylums shall not be seriously disturbed. And whenever hereafter any other asylum shall be built, organized, and ready to receive patients, the said board shall reconstruct the asylum districts in accordance with the principles herein declared. Patients shall be sent to the asylum of the district of which the county of their residence is a part, provided there be room at that asylum to receive them, and provided further that the boards of trustees of the several asylums may, by the adoption of a joint by-law, provide for the reception of patients residing in one district, by the asylum of another district.

SEC. 17. As soon as the Northern Michigan Asylum shall be ready for the admission of patients the board of trustees shall cause notice thereof to be published for two weeks in some paper of the State, and copies of the same to be sent by mail to the county clerk, the superintendents of the poor, and judge of probate of each county in the district set apart to said asylum. A circular from the medical superintendent, giving needful information, shall accompany each of said notices.

SEC. 18. The salaries of the officers of each asylum aforesaid shall be paid quarterly, on the first days of January, April, July, and October in each year, by the treasurer of the State, on the warrant of the Auditor General, out of any moneys belonging to the general fund, to the treasurer of each asylum, on his presenting a bill of particulars signed by its steward and certified by its medical superintendent.

SEC. 19. All officers aforesaid, before entering upon their respective duties, shall severally take the oath prescribed by the constitution.

SEC. 20. The officers of the asylum and all attendants and assistants actually employed therein, during the time of such employment, shall be exempt from serving on juries, from all personal assessment for labor on the highways, and, in time of peace, from all service in the militia; and the certificate of the superintendent shall be evidence of the fact of such employment.

SEC. 21. No person shall be admitted or held as a private patient in any asylum, public or private, or in any institution, home, or retreat for the care or treatment of the insane, except upon the certificate of two reputable physicians under oath, setting forth the insanity of such person, and approved by the judge of probate of the county where such person resides. And no person shall be held in confinement in any such asylum for more than fourteen days unless within that time such certificate be approved by the judge of probate of the county in which the alleged insane person resides; and

said judge shall, upon the request of any person interested, and the giving a sufficient bond for the payment of all costs that may be incurred, institute an inquest and take proofs as to the alleged insanity before approving or disapproving of such certificate, and said judge may, in his discretion, call a jury of six persons in each case to determine the question of insanity. Said jury shall be summoned and empaneled in accordance with the law governing justices' courts. If from any cause the approval of the judge of probate shall not have been obtained previous to the admission of such alleged insane person, within forty-eight hours after his admission it shall be the duty of the medical superintendent to forward a certified copy of said certificate, by registered letter, to the judge of probate of the county in which the alleged insane person resides, for his approval. Forthwith upon the reception thereof, the judge of probate shall return to the medical superintendent of the asylum the said copy with his approval, or shall notify said superintendent that other legal proceedings have been, or will be instituted to determine the question of the insanity of such person. Thereupon it shall be the duty of the medical superintendent to retain such alleged insane person under his care until such matter is determined by the judge of probate, unless the said medical superintendent shall determine that he is not a proper person to be so held. And in case the judge of probate shall deem it advisable to have the alleged insane person present at the inquest, and his condition shall be such as to render his removal from the asylum for that purpose proper and safe, it shall be the duty of the medical superintendent to produce such person under his own charge or that of a competent attendant.

When jury to determine question of insanity.

Duty of medical superintendent with regard to certificate.

SEC. 22. It shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his admission to an asylum, unless said physician be of a reputable character, a graduate of some incorporated medical college, a permanent resident of the State, registered according to law, not related by blood or marriage to the alleged insane person or to the person applying for such certificate, and in the actual practice of his profession for at least three years; and such qualifications shall be certified to by the clerk of the county in which such physician resides. No certificate of insanity shall be made except after a personal examination of the party alleged to be insane; and it shall not be lawful for any physician to certify to the insanity of any person for the purpose of committing him to any asylum of which the said physician is either a trustee, the superintendent, proprietor and officer, or a regular professional attendant. All such certificates shall be in the following form, to wit:

Requirements of physician certifying to insanity of person.

STATE OF MICHIGAN, }  
COUNTY OF . . . . ., } ss.

I, . . . . ., a resident of . . . . ., in the county aforesaid, being a graduate of . . . . ., and having practiced as a physician . . . . years, hereby certify, under oath, that on the . . . . day of . . . ., I personally examined . . . . ., of . . . ., (here insert sex, age, married or single, and occupation,) and that the said . . . . . is insane, and a proper

Form of physician's certificate.

person for care and treatment, under the provisions of section . . . . of the laws of . . . .

I further certify that I have formed this opinion upon the following ground, viz.: (here insert facts upon which such an opinion rests).

And I further declare that my qualifications as a medical examiner in insanity have been duly attested and certified by (here insert the name of the county clerk granting such certificate).

Sworn to and subscribed before me this . . . . day of . . . ., 18 . . .

The judge of probate's certificate shall be in the following form:

Form of judge  
of probate's  
certificate.

STATE OF MICHIGAN, { ss.  
COUNTY OF . . . ., }

I hereby certify that . . . . ., of . . . ., and . . . . ., of . . . ., are personally known to me as reputable physicians, and their certificates are hereby approved.

[SEAL.]

-----  
*Judge of Probate.*

Form of county  
clerk's certifi-  
cate.

The county clerk's certificate of qualification, of which there shall be one for each certifying physician, shall be in the following form:

STATE OF MICHIGAN, { ss.  
COUNTY OF . . . ., }

I hereby certify that . . . ., of . . . ., is personally known to me as a reputable physician, and is possessed of the qualifications required by section twenty-two of act number one hundred thirty-five of the session laws of eighteen hundred eighty-five, and that, as appears by his oath on file in my office, he is a graduate of . . . . . medical college, and that he has been in the practice of medicine for a period of . . . . . years and is registered according to law.

[SEAL.]

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*County Clerk.*

Procedure for  
procuring com-  
mitment of  
indigent insane  
to asylum.

SEC. 23. When a person in indigent circumstances and not a pauper becomes insane, application may be made in his behalf to the judge of probate of the county where he resides; and said judge of probate shall immediately notify such alleged insane person of such application, and of the time and place of hearing to be held thereon and in the discretion of the judge of probate any relative or other person having said alleged insane person in charge or custody, shall likewise be notified of said time and place of hearing; and shall also call two legally qualified physicians and other credible witnesses and also immediately notify the prosecuting attorney of his county, and the supervisor of the township or the supervisor or alderman of the ward in which said insane person resides, of the time and place of such hearing, whose duty it shall be to attend the examination and act in behalf of said county; and said judge of probate shall fully investigate the facts in the case, and either with or without the verdict of a jury at his discretion, as to the question of insanity, shall decide the case as to his indigence, but this decision as to indigence shall not be conclusive; and if the judge of probate certifies that satisfactory proof has been adduced showing him to be insane and his estate insufficient to support him and his family or, if he



has no family, himself, under the visitation of insanity, on his certificate under the seal of the probate court of said county, he shall be admitted into the asylum, and supported there at the expense of the county to which he belongs, until he shall be restored to soundness of mind, if effected in two years, and until otherwise ordered; and the judge of probate shall in no case grant such certificate until fully satisfied of the indigence of such insane person. The judge of probate in such case shall have power to compel the attendance of witnesses and jurors, and shall file the certificates of the physicians, taken under oath, and other papers in his office, and enter the proper order in the journal of the probate court in his office, and he may appoint a proper person or persons to conduct such insane person to the asylum, who shall receive pay for expenses and services, in the discretion of said judge, the same as any other officer. The judge of probate shall report the result of his proceedings to the supervisors of his county, whose duty it shall be, at the next annual meeting thereafter, to raise money requisite to meet the expenses of support accordingly.

SEC. 24. When an insane person in indigent circumstances shall have been maintained by his friends in the asylum as a private patient, for three months, and the superintendent of the asylum shall certify that he is insane and requires further treatment, the judge of probate, on application by the friends of such patient, shall determine the question of indigence, according to the provisions of the preceding section, with or without further evidence of the insanity, as in his discretion he may think best, and if the indigence be established, he shall make a certificate authorizing the admission of said patient into the asylum as a county charge, and the report to the supervisors required by the preceding section; and the said patient, as in other cases of indigence, shall be supported at the asylum at the expense of the county until restored, or for a period not exceeding two years.

When and how patients maintained by friends, may be adjudged indigent and made county charges.

SEC. 25. Whenever the judge of probate of any county, before whom a pauper or indigent insane person may be brought, shall find that said pauper or indigent person has not acquired a legal settlement in the said county, the said judge of probate shall not, for that reason, refuse to give his order to admit the said insane person or persons into an asylum for the insane, there to be kept and maintained at the expense of the said county; he shall, however, in such case, make a separate and special report of his findings, on the question of settlement, to the superintendents of the poor of said county. Should controversy arise respecting the liability of two or more counties for the maintenance of said insane person, the superintendents of the poor of either of said counties, after notifying the superintendents of the poor of each and all counties involved in the question of such liability, may bring the matter before any circuit judge for hearing and determination; and the county found by said judge, upon such hearing to be responsible, shall refund, according to section twenty-eight of this act, to the county first chargeable, according to the same section, all moneys paid or advanced for the maintenance and support of said insane person at any asylum, and the

Duty of Judge of Probate as to indigent, etc., insane brought before him but not having legal residence in county.

Proceedings to settle liability for maintenance of certain insane.

When to be chargeable to the State.

county so found responsible shall thereafter pay the lawful charges for such insane [person] persons at an asylum for a period not exceeding two years. But if, on such hearing, the said circuit judge shall find that the said insane person has no legal settlement in any county in this State, or, that he is unable from the evidence, to find where that settlement is, then and in that case, he, the said judge, shall certify his findings to the Secretary of State and to the medical superintendent of the asylum in which the said insane person may be held, and the State shall become responsible for the legal cost of the investigation and for the maintenance of said insane person, as for other State patients.

Proceedings for commitment of pauper insane.

SEC. 26. The county superintendents of the poor of any county, or any supervisor of any city or town to which a person who shall become insane may be chargeable by reason of being a pauper, shall make application to the probate judge of said county, who shall proceed to inquire into the question of the insanity of said person, and for the purpose of such inquiry shall call upon and may compel the attendance of one or more legally qualified physicians, and such other witnesses as he may deem necessary, and if satisfied of the insanity of said person, said probate judge shall make the same certificate and order for admission into the insane asylum, and the same record and report as are required to be made by section twenty-three of this act, in the case of an insane person in indigent circumstances.

Duty of county and town officers as to this act.

SEC. 27. County and town officers and all persons having charge of insane persons as above, shall see to carrying into effect so much of this act as refers to the removal to and maintenance in the asylum, of said insane persons, within such time and under such regulations as shall be provided by the by-laws of the asylum to which such insane person is to be sent.

Maintenance, etc., of patients chargeable to counties; how to be paid, etc.

SEC. 28. The expenses of clothing and maintaining in an asylum any indigent or pauper patient who has been received upon the order of any court or officer, shall be paid by the county from which he was sent to the asylum, except those provided for as State patients in section twenty-nine. The treasurer of said county is authorized and directed to pay to the treasurer of the asylum the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the steward; and the supervisors of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right by an action to be brought by the superintendents of the poor to require any individual, town, city or county that is legally liable for the support of such patient, to reimburse the said county for the amount of said bills with interest from the day of paying the same, and thereafter it shall be obligatory upon such individual or county so found legally liable therefor, to provide, subject, so far as applicable, to the provisions of sections twenty-four and twenty-nine of this act, for the future maintenance of such person in the asylum, which obligation may be enforced by an action at law for collecting debts, and if the obligation be

against a county, payment may be enforced as provided in section thirty of this act.

SEC. 29. The rate of charge per week to be paid for the board and necessary treatment of all patients of the asylums, who are residents of this State, shall be annually fixed by the trustees of the several asylums, in joint session, and shall not exceed the actual cost of support and attendance, exclusive of officers' salaries; but this provision shall not be construed so as to prevent the furnishing extra care and attendance to patients by special contracts with parties chargeable therefor. At the close of each quarter, the medical superintendents of the asylums shall certify to the Secretary of State the name, age, and residence of all patients under treatment, the expense of whose maintenance shall have been wholly paid by any county for the two preceding years, and such patients shall, from and after the close of said period of two years, be maintained by the State until restored or so long as may be deemed necessary by the board of trustees. An unrecovered patient removed temporarily on trial, if returned to the asylum within one year from date of removal, shall not forfeit his right to State support. If a State patient shall be removed from an asylum on trial, and his friends be unable to defray the expenses of his return to the asylum, in case such return becomes necessary, the actual necessary expenses attending his return shall be defrayed by the State, the asylum paying the same and rendering the account quarterly to the Auditor General in the same manner as other bills are rendered for the support of State patients. The bills for the maintenance, clothing, and other charges of such patients, shall be rendered quarterly to the Auditor General in the same manner as bills are rendered to county treasurers for the support of patients at county charge, and shall be paid by the State Treasurer to the treasurers of the asylums in which the patients may be, on the warrant of the Auditor General, out of any moneys belonging to the general fund.

Charge for maintenance of patients to be annually fixed by Boards of Trustees in joint meeting, etc.

Quarterly report to Secretary of State.

State patients.

Bills for maintenance of, how paid, etc.

SEC. 30. In case any county in this State shall neglect or refuse to pay the amount due the asylum for the treatment and maintenance of persons admitted from such county, in accordance with the provisions of this act, it shall be the duty of the medical superintendent to make out a statement of the facts, giving the number of persons, name of each, and number of weeks' treatment and maintenance for which payment is due, and the amount of the same, to be verified upon his oath, a copy of which he shall send to the clerk of the county from which such money is due; and if the same shall not be paid within sixty days after giving such notice to the said county clerk, he shall transmit the statement to the Auditor General, who shall draw his warrant upon the State Treasurer for the amount, together with the interest thereon, to be computed from the time the same became due the asylum, and charge the same back to the said county to be assessed, collected and returned with and in the same manner as other State taxes.

Proceeding when county refuses to pay amount due Asylums.

Duty of Auditor General.

SEC. 31. Every county paying for the support of an insane person in an asylum, or for his expenses in going to or from the same, shall have the like rights and remedies, to be enforced by an

Rights and remedies of counties.

action to be brought by the superintendents of the poor, to recover the amount of such payments with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same at other places under existing laws.

Liability for maintenance of insane.

SEC. 32. Every insane person supported in the asylum shall be personally liable for his maintenance therein, and for all necessary expenses incurred by the institution in his behalf, and the guardian, relatives, or county that would have been bound by law to support him if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same: *Provided*, That in counties where the distinction between township and county poor is maintained, the said expense may be charged by the county to, and shall be paid by, the township or city in which said indigent, or pauper insane person had a settlement at the time he was adjudged insane.

Proviso.

Expense of return of pauper, etc., patients, how provided for.

SEC. 33. Whenever the trustees shall order an indigent or pauper patient returned from the asylum to the county whence he came, the superintendents of the poor of said county, if said patient be a county charge, shall audit and pay the actual and reasonable expenses of such removal out of the county poor fund. But if any town or person be legally liable for the support of such patient, the amount of such expenses may be recovered for the use of the county by such superintendents. If said superintendents of the poor neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same and charge the amount to the said county, and the treasurer of said county is authorized and directed to pay the same with interest, after thirty days; and the supervisors of said county shall levy and raise the amount as other county charges.

Discharged patients to be furnished clothing and money.

SEC. 34. No patient shall be discharged without suitable clothing; and if it cannot otherwise be obtained the steward shall, upon the order of the medical superintendent, furnish it, also money not exceeding twenty dollars, to defray his expenses until he reaches his friends or can find an opportunity to earn his subsistence.

Provisions as to cleanliness, clothing, and attendance of patients going to asylum.

SEC. 35. All town and county officers sending a patient to the asylum, shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed and provided with suitable changes of raiment as prescribed in the by-laws of the asylum, and shall provide a female attendant, of reputable character and mature age, for a female patient or patients, unless accompanied by her husband, father, brother, or son. Any person or officer who shall bring a female patient to the asylum in violation of the last preceding provision of this section or who shall under the provisions of law, or otherwise, bring or accompany any patient to the asylum, and not in due time deliver him into the lawful care and custody of the proper officer of the asylum, taking his receipt therefor, provided he be admitted, or who shall willfully leave, abandon, neglect, or abuse such patient, either in going to or returning from the asylum, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment not exceeding one year, or to both in the discretion of the court before which the conviction shall be had.

Penalty for violation of, etc.



SEC. 36. The insane inmates of any county jail or poorhouse of this State, who have been soldiers or marines of the United States, to the credit of the State of Michigan, and who have not been convicted of any crime, and all such soldiers or marines within this State who are under treatment in any asylum, or may hereafter become insane, may, by the order of the State military board, be transferred under the same rules and regulations as govern county patients, to either of the asylums of this State, and there be provided for at the expense of the State. The bills for the maintenance of such insane persons shall be rendered quarterly to the Auditor General, at the same time and in the same manner as bills are rendered to county treasurers, and shall be paid to the treasurer of the asylum by the State Treasurer, on the warrant of the Auditor General, out of any moneys belonging to the general fund.

Insane ex-soldiers, etc., when and how may be sent to asylum as State patients, etc.

SEC. 37. The superintendents of the poor of each county in the State shall transmit to the Secretary of the Board of Corrections and Charities, on the first day of July in each year, the name and age of each insane person in the poor-house of the county or elsewhere, receiving county aid in any form. Every county, city, or town officer, to whom application for aid in behalf of any insane person shall be made, shall at once report the name and age of such insane person to the Secretary of the Board of Corrections and Charities. The medical superintendents of the several asylums shall report quarterly to the Secretary of the Board of Corrections and Charities the names and ages of all patients supported at State or county charge. All officers named in this section shall also report to the Secretary of the Board of Corrections and Charities the date and circumstances attending the discharge, removal, elopement or death of all insane persons receiving aid or supported at county or State charge. The Board of Corrections and Charities shall provide for the careful registry, by its secretary, of all facts communicated in compliance with the requirements of this section.

Superintendents of Poor to report to State Board of Corrections and Charities.

Idem, county and town officers.

Idem, medical superintendents of insane asylums.

Idem.

Board to register reports, etc.

SEC. 38. After sufficient room shall have been provided for all the insane wards of the State, then and thereafter it shall be illegal for county superintendents of the poor, or for any other authority whatever, to consign to the county almshouse any insane person. In case the superintendents of the asylums find it impossible to receive all patients for whom application is made, they may, in their discretion, give preference to those for whom, in their judgment, treatment is most urgently necessary. To make room for urgent cases, they are also authorized to order the removal, from the asylum to his home and friends, or to the superintendent of the poor of the county whence he came, of any patient that in their judgment may safely reside outside the institution.

When illegal to consign insane to poorhouse.

Preference in admission, etc., when lack of room for all.

SEC. 39. The trustees may take and hold in trust for the State, any grant or devise of land, or any donation or bequest of money, or other personal property, to be applied to the maintenance of insane persons and the general use of the asylums.

Bequests, etc., may be held in trust by Board for State.

SEC. 40. Any will or conveyance by which any real or personal estate may be directed to be sold or converted into money, and the proceeds paid over to this State, or the treasurer thereof, in trust

Wills, trusts, etc., declared legal, etc.



Limitation as to amount in case of acceptance.

for any insane person, and any will bequeathing or deed conveying any money to this State or the people thereof, in trust for any insane person, is hereby declared to be legal and valid, as to such trust, and the trust so reposed and declared shall be accepted, subject to the conditions, restrictions, and limitations contained in this act. No trust shall be accepted under this act unless the moneys so bequeathed, or the proceeds of sale of real or personal estate so devised, bequeathed, or conveyed shall amount to at least one hundred dollars.

Duty of officers cognizant of bequest to notify State Treasurer, Attorney General, etc.

SEC. 41. It shall be the duty of any officer with whom any will containing such devise or bequest shall be filed, after being informed of the death of the testator, and of any officer to whom any will containing any such devise or bequest shall be presented for probate, immediately thereafter to notify the State Treasurer and the Attorney General of such filing or presentation, and it shall be the duty of the Attorney General, upon being so notified, or upon being otherwise informed of the execution of any such will, and of the death of the testator, to institute and carry on all necessary suits and proceedings to secure the payment into the State Treasury of all moneys which, under this act and in pursuance of such trust, may be received by the State Treasurer.

Duty of executor, etc., of such wills.

SEC. 42. It shall be the duty of the executor or administrator of such will to pay to the State Treasurer all moneys which may be payable to the State or the people thereof, as trustee of any such trust, and the said moneys when so received by the State Treasurer, shall be placed by him to the credit of the fund to be known as the (naming the insane person) "Insane Trust Fund," and the interest on the same shall be computed annually at the rate of seven per cent, and such interest and trust fund shall be paid out for the benefit of the persons for whom such trust may be created, and as provided by this act.

Insane Trust Fund.

Board of Trustees, powers, etc., relative to persons covered by trust funds.

SEC. 43. The board of trustees of any State asylum for the insane shall have charge of all persons within its district for whose benefit any such trust shall be created, and of all expenditures payable by such interest or insane trust fund. Any such insane person confined in any State asylum for the insane, while the said interest and trust fund shall be sufficient for that purpose, shall be furnished with clothing, lodging, board, medicines, medical and other attendance, care, comforts, and conveniences as are usually, and in accordance with the rules of such asylum, allowed to other patients whose support shall be paid for by private persons, and at the same rate of charges. And said board shall, so far as it may be possible, but within their reasonable discretion, regulate the expenditures on behalf of such insane person, so that the same may be defrayed from the interest authorized to be paid on the principal of the fund so created for his benefit. If the interest shall be insufficient, such expenditures may be made from the principal of the fund. And if any sum be received from any other source for the support and care of such person, the moneys so received shall be first used for the payment of such expenditures in preference to money drawn from such interest or trust fund. Should any such insane person

be removed from such asylum, by his legal custodian or guardian, while so insane, such expenditure on his behalf shall cease; and such interest or trust fund shall remain unappropriated until such person shall be returned to the asylum, or the same shall be paid out as hereinafter provided by this act.

SEC. 44. If any insane person for whose benefit any such trust shall be created, shall be confined or kept in any other place than a State asylum, the board of trustees of such asylum for the insane in whose district the case arises shall, upon notice of such trust from the State Treasurer, cause such person to be removed to the asylum, and shall there provide for the support of such person, the same as provided by the section in reference to persons confined in said asylum. Idem.

SEC. 45. If any insane person for whose benefit any such trust shall have been created shall become sane and free from liability to a return of his malady, or shall die, the board of trustees of the asylum in which he was a patient shall certify to the Auditor General and State Treasurer that such person has become sane, and is no longer in need of support from such asylum by reason of prior insanity and liability to the return thereof, or is dead; and the State Treasurer, upon the warrant of the Auditor General, shall pay to such person or persons as may be entitled thereto, under the will or conveyance by which such fund was created, the balance, if any, of the principal and interest standing to the credit of such insane person. And if such will or conveyance shall not provide for or make any disposition of such fund in such cases, then such money shall be paid to the person for whose benefit such fund has been created, if he be living and sane, and if he be dead, then to his legal representatives. But if, because of a liability to a return of his insanity, the trustees and medical superintendent shall not deem it prudent that the State relinquish custody and control of the trust fund created for the benefit of any such insane person, the trustees and medical superintendent, in their discretion, may authorize the use of the interest and a necessary portion of the principal of said fund for the benefit of such person though not an inmate of the asylum. Termination of trust from.

SEC. 46. Immediately upon receipt of moneys into the State treasury under this act, the State Treasurer shall notify the Auditor General, and the board of trustees of the asylum in which such person is a patient, of the amount thereof, and of the name of the person for whose benefit the fund has been created, and all payment from the treasury under this act shall be on the warrant of the Auditor General, upon vouchers duly approved by and filed with the Auditor General by the said board of trustees, the same as other moneys are drawn from the treasury by the said board of trustees for such asylum. Action thereupon.

SEC. 47. The terms "insane" or "insane persons," as used in this act, include every species of insanity, and extend to every deranged person, and to all of unsound mind, other than idiots; and the word "oath" includes "affirmation;" "institution" may mean either of the Michigan asylums, and "institutions" means all of the said asylums. A word denoting the singular number is to Notification by State Treasurer on receipt of trust funds.  
Payments from, how made.  
Definition of terms "insane" and "insane person."

This act to apply to.

Construction of act, as to retaining persons in custody in asylum.

Acts repealed.

Reservations as to acts done and rights accrued.

include one or many, and every word importing the masculine gender may extend to and include females. Every provision of this act applies equally to all the Michigan asylums, excepting where one or the other is specially designated.

SEC. 48. This act shall not be construed to authorize the restraining of any person in any insane asylum, except such person be expressly required by law to be so restrained, contrary to, and against the wishes of any parent or guardian, or other legal custodian of the person of any such insane person, provided said board of trustees shall be satisfied such parent or guardian, or legal custodian shall be a proper person to have charge of and have sufficient pecuniary ability to maintain and support such insane person.

SEC. 49. Act one hundred and sixty-four, laws of eighteen hundred and fifty-nine, and act one hundred and ninety-four, laws of eighteen hundred and seventy-seven, act ninety-one, laws of eighteen hundred and seventy-three, and the acts amendatory thereto; act one hundred and seventy-two, laws of eighteen hundred and seventy-three, and all acts or parts of acts contravening the provisions of this act, are hereby repealed; saving and reserving all acts done, and rights accrued under former laws, which acts done and rights accrued shall continue and be enforced under this act and other laws of the State applicable thereto; and the trustees and other officers of the asylums now in operation shall be and remain during the terms for which they were severally appointed.

This act is ordered to take immediate effect.

Approved June 3, 1885.

[No. 136.]

AN ACT to provide for the appointment, compensation, and duties of a stenographer of the sixteenth judicial circuit.

Appointment of

SECTION 1. *The People of the State of Michigan enact*, That a stenographer for the sixteenth judicial circuit shall be appointed by the Governor on the recommendation of the judge of said circuit, and on the certificate of said judge that the business of the circuit courts for said circuit is such as to render the employment of a stenographer desirable.

Deemed officer of court; term.

proviso.

SEC. 2. The person so appointed shall be deemed an officer of the court, and shall hold the position during the pleasure of the Governor: *Provided*, The court shall have the power to suspend him for misconduct or failure to properly perform his duties, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded. If such suspension shall not be rescinded within thirty days after the order, the office shall be deemed vacant, and it shall thereupon be the duty of the Governor, on receiving notice of such vacancy from the presiding judge to fill the same by the appointment of a competent person under the recommendation of said judge.

SEC. 3. In case of the death or resignation of the stenographer or his inability to serve, from any cause, the Governor shall, on the recommendation of the judge of said circuit, appoint a successor to the office on receiving notice of such vacancy from said judge; but in case of sickness or temporary absence, or suspension by the court as aforesaid of the stenographer, the judge may appoint some competent person to act in his absence or during such suspension.

Filling of  
vacancy;  
permanent;  
temporary.

SEC. 4. It shall be the duty of the stenographer, so appointed, to attend upon the circuit courts for said circuit at each term, under the direction of the court, and to take full stenographic notes of the testimony and other proceedings on the trial of cases in law or in equity.

Duty of.

SEC. 5. In case the counsel for either party shall desire a copy of the testimony given in any trial for the purpose of moving for a new trial, preparing a bill of exceptions, or removing the cause to the supreme court, it shall be the duty of the stenographer, so appointed, to furnish the same within a reasonable time, and he shall be entitled to demand and receive therefor from the party so requiring it the sum of six cents per folio for each folio so transcribed: *Provided*, That in no one case shall said stenographer be entitled to receive or demand more than the sum of twelve dollars, and the amount so paid shall be recovered as a part of the taxable costs by the prevailing party in such motion or in the supreme court: *And further provided*, That if the judge shall so direct, he shall make and file a copy of the testimony without fee or charge to any person, and the testimony so furnished or filed shall be deemed the official record of the court.

Testimony to be  
furnished,  
when.

Fees for.

Proviso.

SEC. 6. The stenographer so appointed shall receive as a compensation for such services the sum of fifteen hundred dollars per annum, which sum shall be paid in monthly installments, as hereinafter provided, out of the county treasury of the counties composing said circuit in proportion to the number of suits, law and chancery, entered and commenced in the circuit court for such counties respectively the preceding year, upon the order of the clerk of said court, said clerk being hereby authorized and directed to draw such orders and the county treasurer to pay the same upon presentation: *Provided*, The circuit judge shall certify thereon that said services have been faithfully performed.

Compensation.

How paid.

Proviso.

SEC. 7. The stenographer so appointed shall have the power to appoint an assistant subject to the approval of the court, whose duties shall be subject to and whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke such appointment at any time.

Appointment of  
assistant.

Proviso.

SEC. 8. To make up and pay the salary specified in section six of this act, the boards of supervisors of the counties composing said circuit shall annually appropriate the sum of fifteen hundred dollars for such purpose, which sum shall be appropriated by said counties, according to and in proportion to the number of suits, law and chancery, entered and commenced in the circuit court for such counties respectively the preceding year, and it shall be the duty of the circuit judge of such circuit, on the first of January of each

Supervisors to  
make appropria-  
tion for salary.

How appor-  
tioned to coun-  
ties.

- year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his circuit on the basis aforesaid: *Provided*, That the amount already appropriated for the year eighteen hundred and eighty-five shall be applied on the payment of such salary for the year eighteen hundred and eighty-five.
- Proviso.** SEC. 9. Each and every issue of fact tried before the court or jury in which the stenographer shall be employed shall be taxed three dollars, the same to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court and by him paid into the county treasury to apply upon the payment of the salary of said stenographer herein before provided, and the prevailing party shall have the amount so paid by him taxed in his costs as proper disbursements.
- Costs to be taxed.**
- Oath.** SEC. 10. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge.
- Sections, certain act, not to apply.** SEC. 11. In cases tried in the circuit court in which such stenographer shall be engaged, sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries and in settling the law in cases tried in circuit courts," approved March twenty-sixth, eighteen hundred and sixty-nine, shall not apply.
- Acts, etc., void as to.** SEC. 12. All acts or parts of acts, contravening the provisions hereof, in force at the time of the passage of this act, shall be construed as void and of no effect as applying to the circuit courts for the sixteenth judicial circuit.
- This act is ordered to take immediate effect.
- Approved June 3, 1885.

[No. 137.]

AN ACT making ten hours a legal day's work.

- Where to apply.** SECTION 1. *The People of the State of Michigan enact*, That in all factories, workshops, salt blocks, saw-mills, logging or lumber camps, booms or drives, mines or other places used for mechanical, manufacturing, or other purposes within the State of Michigan, where men or women are employed, ten hours per day shall constitute a legal day's work, and any proprietor, stockholder, manager, clerk, foreman, or other employers of labor who shall require any person or persons in their employ to perform more than ten hours per day, shall be compelled to pay such employes for all overtime or extra hours at the regular per diem rate, unless there be an agreement to the contrary.
- Work in excess of ten hours.**
- When not otherwise expressly mentioned ten hours to be day's work.** SEC. 2. That in all contracts, engagements, or agreements to labor in any mechanical, manufacturing, or other labor calling, where such contracts or agreements are silent, or no express conditions specified, ten hours shall constitute a day's work, and the contract or agreement shall be so construed.



SEC. 3. Any individual, firm, agent of any corporation, or other employers of labor who shall take any unlawful advantage of any person or persons in their employ, or seeking employment, because of their poverty or misfortune, to invalidate any of the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars, nor more than fifty dollars for each offense, and it shall be the duty of the prosecuting attorney of the county in which such offense was committed, upon receiving complaint, to prosecute all such cases in the name of the People of the State of Michigan, before any justice of the peace or other competent court of jurisdiction.

What to be considered a misdemeanor.

Penalty.

Duty of Prosecuting Attorney.

SEC. 4. All fines collected for violation of this act shall be turned over to the school board, or board of education of the city or township wherein such fine may be collected, and the same shall by them be disbursed for and in benefit of the public schools.

Disposition of fines.

SEC. 5. Nothing in this act shall be construed to apply to domestic or farm laborers, or other laborers who agree to work more than ten hours per day.

Not to apply to farm, etc., laborers.

Approved June 5, 1885.

[No. 138.]

AN ACT to prevent the sale or otherwise disposing of obscene, immoral, and indecent books, pamphlets, papers, prints, pictures, writings, and other objectionable news.

SECTION 1. *The People of the State of Michigan enact*, That any person who sells, lends, gives away, or offers to sell, lend, or give away, or shows, or has in [his] has possession with intent to sell, lend, or give away, or to show or advertise, or who offers to loan, give, sell, or distribute any obscene, immoral, lewd, lascivious, or indecent book, magazine, pamphlet, newspaper, writing, paper, print picture, drawing, publication, or photograph, or any article or instrument of indecent or immoral use, or who designs, copies, draws, photographs, prints, utters, publishes, or otherwise prepares such a book, picture, drawing, paper, or other article or thing, or writes or prints, or causes to be written or printed, a circular, advertisement, or notice of any kind, or gives information orally, stating when, where, how, or of whom, or by what process such obscene article or thing can be purchased or obtained; or second, any person who sells, lends, gives away, or shows, or has in his possession with intent to sell, or give away, or to show, advertise, or otherwise offers for loan, gift, or distribution, any book, pamphlet, magazine, newspaper, or other printed paper, devoted to the publication or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust, or crime; or third, any person who in any manner hires, uses, or employs any minor child to sell, or give away, or in any manner to distribute, or who having the care, custody, or control of any minor child, permits such child to sell, give away, or in any other manner to distribute any book, magazine, pamphlet, newspaper, story paper, writing, paper,

What to constitute a misdemeanor under this act.

Penalty for.

picture, drawing, photograph, or other article or matter coming within the descriptions of articles and matter mentioned in the first and second subdivisions of this section or any of them, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court.

Duty of municipal courts and justices as to warrants for seizure.

Confiscation of property seized.

SEC. 2. All municipal courts and justices of the peace, on complaint supported by oath or affirmation, that any person has in his possession or control any indecent books, papers, articles, and things described in this act, shall issue a warrant directed to the sheriff of the county, within which such complaint shall be made, or to any constable, marshal, or police officer within said county directing him, them, or any of them to search for, seize, and take possession of, such obscene and indecent books, papers, articles, and things, and said court or justice of the peace shall, upon conviction of the person or persons offending, under the law, any of the provisions of this act, forthwith in the presence of the person or persons upon whose complaint the said seizure or arrest is made, if he or they shall, after notice thereof elect to be present, destroy, or cause to be destroyed, the aforesaid books, papers, articles or things, and shall cause to be entered upon the records of his court the fact of such destruction.

Approved June 5, 1885.

[No. 139.]

AN ACT to amend section seven thousand five hundred forty-five of Howell's Annotated Statutes, being compiler's section five thousand nine hundred sixty-eight of the compiled laws of eighteen hundred seventy-one, relative to the competency of witnesses, and examination of parties in certain cases, as amended by act number two hundred forty-five of session laws of eighteen hundred eighty-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven thousand five hundred forty-five of Howell's Annotated Statutes, being compiler's section five thousand nine hundred sixty-eight of the compiled laws of eighteen hundred seventy-one, as amended by act number two hundred forty-five of session laws of eighteen hundred eighty-one, be and the same is hereby amended so as to read as follows:

Parties not to testify in certain cases.

§ 7545. 5968-4341. SEC. 101. That when a suit or proceeding is prosecuted or defended by the heirs, assigns, devisees, legatees, or personal representatives of a deceased person, the opposite party, if examined as a witness on his own behalf, shall not be admitted to testify at all to matters which, if true, must have been equally within the knowledge of such deceased person; and when any suit or proceeding is prosecuted or defended by any surviving partner or partners, the opposite party, if examined as a witness in his own

behalf, shall not be admitted to testify at all in relation to matters which, if true, must have been equally within the knowledge of the deceased partner, and not within the knowledge of any one of the surviving partners. And when any suit or proceeding is prosecuted or defended by any corporation, the opposite party, if examined as a witness in his own behalf, shall not be admitted to testify at all in relation to matters which, if true, must have been equally within the knowledge of a deceased officer or agent of the corporation, and not within the knowledge of any surviving officer or agent of the corporation, nor when any suit or proceeding is prosecuted or defended by the heirs, assigns, devisees, legatees, or personal representatives of a deceased person against a corporation or its assigns, shall any person who is, or has been, an officer or agent of any such corporation be allowed to testify at all in relation to matters which, if true, must have been equally within the knowledge of such deceased person: *Provided*, That whenever the words "the opposite party" occur in this section it shall be deemed to include the assignors or assignees of the claim or any part thereof in controversy.

Approved June 4, 1885.

[No. 140.]

AN ACT making an appropriation for frescoing and decorating the walls and corridors of the State Capitol.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty-five thousand dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of the general fund in the treasury, not otherwise appropriated, for the purpose of frescoing and decorating the walls and corridors of the State Capitol. The frescoing shall be done in the senate chamber, house of representatives, supreme court room, rotunda, front corridor on first floor, and the Governor's reception room.

SEC. 2. The Governor, Auditor General, and Board of State Auditors shall constitute a commission to supervise and control the work mentioned in this act, and shall be entitled to receive out of the sum so appropriated the sum of two dollars per day for time actually spent in the discharge of their duties. Such commission shall have power to procure and adopt designs by advertisement, if they deem it advisable, and shall have the right to reject any and all proposals submitted and shall award the contract to such persons and in such manner as they shall deem for the best interests of the State.

SEC. 3. The commissioners shall require all persons submitting proposals to accompany their proposals with a preliminary bond in such amount as they may deem proper, conditioned that if any contract shall be awarded to him or them, he or they will within a reasonable time, to be designated by said board, enter into a contract with said board and furnish a bond to be approved by them, conditioned for the faithful performance of the contract so awarded.

Payments on  
contract, how  
made.

Payments on account of contracts made pursuant to the provisions of this act shall be made in the manner following, to wit: An itemized estimate of all articles or labor furnished by contractors shall accompany each voucher for the same and be submitted to the board at any stated meeting of said board, and if it shall appear to said board that the estimate and voucher submitted are correct and in accordance with the contract they shall audit and allow the same, reserving twenty per cent of each estimate to remain in the State treasury until the completion and acceptance of the entire contract.

Ordered to take immediate effect.

Approved June 5, 1885.

[No. 141.]

AN ACT to authorize the use of condemned State arms by the organizations known as the "Sons of Veterans."

Quartermaster  
General author-  
ized to furnish.

Return of to  
State.

Bond required.

SECTION 1. *The People of the State of Michigan enact*, That the Quartermaster General of this State be and is hereby authorized to furnish each of the organizations known as the "Sons of Veterans," in this State, with four of the condemned muskets belonging to the State. Said muskets are to be used by said [organization] organizations until such time as the [organizations] organization shall be disbanded, and upon such disbanding they shall be returned to the State.

SEC. 2. In order to insure a prompt return to the State of such arms upon the disbanding of such several organizations, the Quartermaster General shall in each case require of such organization a good and sufficient bond in such amount and with such sureties as he shall approve, conditioned for the prompt return of said arms as aforesaid.

Ordered to take immediate effect.

Approved June 5, 1885.

[No. 142.]

AN ACT to amend section ten of act number two hundred and thirty-eight of the session laws of eighteen hundred and seventy-nine, being an act entitled "An act to protect logs, lumber, and timber, while floating upon the waters in this State, or lying upon the banks or shores thereof," being compiler's section two thousand and fifty-eight, Howell's Annotated Statutes of the State of Michigan.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section ten of act number two hundred and thirty-eight of the session laws of eighteen hundred and seventy-nine, being an act entitled "An act to protect logs, lumber, and timber while floating upon the waters in this State, or lying upon the banks or shores thereof," being compiler's section two thousand and fifty-eight,

Howell's Annotated Statutes of eighteen hundred and eighty-two, be amended so as to read as follows:

SEC. 10. Whenever any logs, timber, boards, planks, spars, boom sticks, spiles, shingle bolts, railroad ties, or fence posts, in rafts or otherwise, shall be drifted or float upon any island in any of the waters or streams in this State, or upon the banks or shores of such waters or lands adjacent thereto, the owner of such logs, timber, boards, planks, spars, boom stick, spiles, shingle bolts, railroad ties, or fence posts, or any person or corporation entitled to the possession thereof, may at any time within eighteen months remove the same upon paying or tendering to the owner or occupant of such bank, shore, or lands, such reasonable damages as may have been caused by such occupancy and removal, but if the amount of such damages can not be agreed upon by the owner or occupant of such bank, shore, or land, and such owner, person, or corporation entitled to such logs, timber, boards, plank, spars, boom sticks, spiles, shingle bolts, railroad ties, or fence posts, either of them may elect to have the amount of said damages left to arbitration in the manner following: The party or parties so electing, or their authorized agent or attorney, shall serve a written notice by mail or otherwise, upon such other party or parties, reciting the fact that they elect to have such damages left to arbitration, and that they will meet such persons, their agents or attorneys, at the office of some one of the justices of the peace of the township, where such island, bank, shore, or land is situated, at a time in said notice mentioned, not less than six days nor more than twenty days from the time of the service of said notice, at which time and place, such parties or their authorized agents or attorneys shall meet to choose such arbitrators as aforesaid, in the manner following: The party giving notice, or his, her, or their authorized agent or attorney shall select one person to act as one of said arbitrators, and the party so notified, his, her, or their authorized agent or attorney, shall choose another, and these two thus chosen shall select a third: *Provided*, That all persons chosen under the provisions of this act shall be chosen from among the freeholders residing in the township or an adjoining township where such island, bank, shore, or land is situated. And if said parties, his, her, or their authorized agents or attorneys, cannot agree upon the selection of said persons as arbitrators, then either or any of such parties may certify such fact or facts, to one of the justices of the peace of such township as aforesaid, who shall upon the receipt of such certificate proceed at once to make a list of the names of eighteen freeholders who shall be, either residents of such township, or of such township and adjoining townships, and the parties aforesaid shall strike out, alternately, the plaintiff first striking out, one name from the said list, until only three names remain, and the freeholders whose names so remain upon the list shall act as such arbitrators. Said justice of the peace shall notify said persons so selected, who shall appear before such justice at a day set by him, at a time not less than three nor more than ten days from the service of said notice. At such time so set for the meeting of

Logs, etc., drifted on island or banks may be removed within eighteen months by paying damages.

Procedure in case of non-agreement as to amount of damage.

Providso.



Appeal from  
award of arbi-  
trators.

When rights to  
be deemed  
forfeited.

Sale of logs, etc.,  
not removed as  
provided.

Proviso.

said arbitrators, they shall appear and be sworn or affirmed to justly and equitably try all matters in relation to such damages, and shall proceed to hear testimony and decide the amount of said damages. The said arbitrators shall have the right to view the said island, bank, shore, or land, the occupancy of which is in controversy. The said arbitrators shall have all the powers usual to arbitrators. When the said arbitrators shall have determined the amount of damages, they shall, if chosen by the interested parties as first provided in this section, certify the same to one of the justices of the peace in the township where the said island, bank, shore, or land is situated, who shall thereupon enter a judgment in his docket for such award against such owner, person, or corporation entitled to such logs, timber, boards, planks, or floatables, and execution shall issue thereon as in other cases in justices' courts. But if the arbitrators shall have been designated from any list of names as provided in this section, they shall certify the amount of damages to the justice of the peace making such list, and he shall in like manner enter judgment, and execution shall issue thereon the same as in other cases in justices' courts. Should either party complain of such award, such party may appeal to the circuit court of the county where such island, bank, shore, or land is situated, by giving bonds for the amount of such award and costs, but such appeal shall not be allowed except for reasons as set forth in sections nine and ten, chapter two hundred and ninety-two of Howell's Annotated Statutes. If such logs, timber, boards, planks, spars, boom sticks, spiles, shingle bolts, railroad ties, or fence posts, shall not be removed within said eighteen months under the provisions of this section, the owner thereof shall be deemed to have forfeited all right thereto, and such owner or occupant of said lands may make out a sworn statement containing a description of the lands on which said logs, timber, boards, planks, or floatables are lying, the number of logs, and the amount of timber, boards, plank, spars, boom sticks, spiles, shingle bolts, railroad ties, or fence posts, as nearly as may be, and the marks thereon, if any, and the length of time the same have remained on said land, and upon delivering such statement to any sheriff, deputy sheriff, or constable, such officer shall proceed and make sale of such logs, timber, boards, plank, spars, boom sticks, spiles, shingle bolts, railroad ties, or fence posts, at public auction, at some convenient and public place in the vicinity thereof. Immediately on making such sale, such officer shall pay over to the owner or occupant of such lands, the proceeds of such sale, less his fees for making the same, which fees shall be the same as upon levy and sale upon execution: *Provided*, That no sale shall be made without giving ten days' notice to the owner of such logs, if known; and if not known, then such officer shall give like notice as he would be required to give on sale of personal property on execution, and when such sale shall have been made he shall thereupon make his certificate, stating the time and place of sale, the number or amount of logs, timber, boards, planks, spars, boom sticks, spiles, shingle bolts, railroad ties, or fence posts sold and the marks thereon, if any, and the name of the purchaser

or purchasers, the amount paid and the disposition of the same. He shall at once annex such sworn statement to said certificate, and file the same in the office of the county clerk of the county in which the sale was made: *Provided, further*, That when the property mentioned in section one of this act, shall be or lie upon any improved farming lands of this State, adjoining any of the waters mentioned in said section one, if the owner or occupant of such lands shall make the affidavit hereinbefore required, and shall cause a copy of said affidavit to be personally served on the owner or agent of the owner of the property mentioned in said affidavit, if said agent or owner be known to the owner or occupant of said lands, but if not known to said owner or occupant, then he shall cause a copy of said affidavit to be published in one or more newspapers in said county in which said land is situated, for three successive weeks, if there be one, but if not, in one of an adjoining county, and a copy of the same shall be sent to the office of the booming or log-running company having such property in charge or doing business on such streams if known by said owner or occupant, said notice to be sent by mail or otherwise, which said notice shall require said owner or agent to remove said property mentioned in the said affidavit, within thirty days after the receipt of said notice. If said owner shall neglect or refuse to remove the said property, and pay all reasonable damages and charges thereon, then said owner or occupant may remove the same to the adjoining stream or to the banks thereof, and if the same is not claimed by the owner thereof within six months thereafter, and all reasonable charges and damages are not paid, the owner or occupant of said land is empowered to sell the same at public auction to the highest bidder, by giving the same notice as required by law in sales of personal property by sheriffs and constables; said sale to be conducted as hereinbefore provided for the sale of logs, timber, boards, planks, spars, boom sticks, spiles, shingle bolts, railroad ties, or fence posts, having lain for eighteen months upon such land, and the proceeds applied in the same way as provided in case of the sale of such logs, timber, boards, planks, spars, boom sticks, spiles, shingle bolts, railroad ties, or fence posts: *And provided further*, That all reasonable damages and expenses incurred and suffered by the owner or occupant of such lands shall be a lien upon such logs, timber, boards, plank, spars, boom sticks, spiles, shingle bolts, railroad ties, or fence posts, until paid. Proviso as to logs, etc., lying upon farming lands.

Approved June 5, 1885.

[No. 143.]

AN ACT to validate and make binding certain contracts, covenants, and agreements made with fire insurance companies organized under the laws of this State prescribing, limiting, and restricting the liability of persons incurred therein and the members thereof for the losses and expenses of such companies.

SECTION 1. *The People of the State of Michigan enact*, That all

Certain con-  
tracts, etc.,  
made valid.

contracts, covenants, and agreements heretofore made by and between any mutual fire insurance company organized under any of the laws of this State, or its agents, officers, or representatives, and persons taking insurance therein or becoming members thereof, prescribing, limiting or restricting or undertaking to prescribe, limit, or restrict the liability of such persons or members for the losses or expenses of such companies, shall be valid and binding, and are hereby made valid and binding upon such companies, their assigns, managers, or receivers from and including the time when such contracts, covenants, or agreements were made and entered into, to the extent of and according to such limitation or restriction, and not otherwise, notwithstanding the want or failure of legal power or authority, in such company, its agents, officers, or representatives, and the said persons taking insurance therein or becoming members thereof to make and enter into such contract, covenant or agreement. And the liability of the persons insured in such companies and the members thereof, for the losses or expenses of such companies, shall not exceed the liability assumed by such persons when taking such insurance or by such member when joining such company. And that on payment in full by such person or member, of the amount assumed or agreed to be paid on taking such insurance, or on becoming a member of such company, the said persons so insured as aforesaid and the said members of such companies shall be released and absolved from any and all further liability, for such losses or expenses.

Liability  
limited.

Idem.

SEC. 2. That in any case where any such companies, their agents, officers, or representatives have heretofore taken or accepted a premium, note, or undertaking for insurance from any person taking insurance in any of such companies or becoming a member thereof with a contract, covenant, or agreement either express or implied that the amount specified in such premium note or undertaking for insurance should be the limit of the liability of such insured person or such member, for the losses or expenses of such company, such contract, covenant, or agreement limiting the liability of persons so insured, and the members of such companies, to the amount of such premium note or undertaking for insurance is hereby ratified, authorized, and made valid and binding and including the time when such contract, covenant, or agreement was made and entered into. And the said persons so insured and the said members of such companies on payment of the amount of such premium note or undertaking for insurance to the proper officer of such company or to its successors, assigns, managers, or receivers shall be discharged from all further liability for the losses or expenses of such company, its successors, assigns, managers or receivers.

This act to ap-  
ply to.

SEC. 3. This act shall be binding upon such companies, their officers, agents, and representatives, attorneys, solicitors and employes, and upon its successors, assigns, managers and receivers, and upon the members thereof and the persons insured therein.

Ordered to take immediate effect.

Approved June 5, 1885.

## [No. 144.]

AN ACT to amend section four thousand three hundred sixty-eight of the compiled laws of eighteen hundred seventy-one, being section five thousand eight hundred thirty-eight of Howell's Statutes, relative to the appointment of administration with the will annexed in estates of deceased persons.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand three hundred sixty-eight of the compiled laws of eighteen hundred seventy-one, being section five thousand eight hundred thirty-eight of Howell's Statutes, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 4368. If a person named executor in any will shall refuse to accept the trust, or shall, for the space of twenty days after the probate of the same, neglect to give bond as required by law, the probate court may grant letters testamentary to the other executors if there be any who are capable and willing to accept the trust, and if there be no such other executor who will give bond, the court may commit administration of the estate with the will annexed to any of the beneficiaries named in said will if capable, or to such person as would have been entitled to the same if the testator had died intestate. When executor fails to qualify, etc., letters may be granted to others.

Approved June 5, 1885. .

## [No. 145.]

AN ACT to provide for the incorporation of societies to promote the interests of trade and labor.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, may associate themselves together and become a body corporate and politic for the improvement of their several social and material interests, the regulation of their wages, the laws and conditions of their employment, the protection of their joint and individual rights in the prosecution of their trades or industrial avocations, the collection and payment of funds for the benefit of sick, disabled or unemployed members, the securing of benefits to the families of deceased members, and for such other and further objects of material benefit and protection as are germane to the purposes of this act. The persons so associating shall execute articles of association as hereinafter provided, sign and acknowledge the same before some officer duly authorized by the laws of this State to take acknowledgments of deeds, and upon the execution and acknowledgment of said articles of association aforesaid, the said association shall become a body politic for the purposes set forth in said articles of agreement. Not less than five may form.

SEC. 2. Every association formed under the provisions of this act, shall have a corporate name, and may sue and be sued, plead and be impleaded, prosecute and defend in all courts of this State; shall hold, pay, sell, assign and lease such real, personal or mixed property as shall be required for its corporate purposes. Execute articles.

Body politic.

General powers of.

Articles of association to contain.

SEC. 3. The articles of association shall state:

*First*, The names of persons associating in the first instance with their places of residence;

*Second*, The purposes of the association, conforming with the provisions of this act;

*Third*, The corporate name and period of incorporation, not to exceed a period of thirty years;

*Fourth*, The terms, conditions, and qualifications of membership in the corporation;

*Fifth*, The officers and committees created, with the names of officers and members of committees first selected, the terms of such officers and members, and the time of holding an annual meeting.

Establish by-laws, etc.

SEC. 4. Every association incorporated under this act shall have power to make all needful by-laws for its government and enforce the same by the usual penalties and forfeitures; may thereby establish a uniform system of dues, assessments or benefits to be levied upon members, prescribe the duties of officers, require bonds of the same for the faithful discharge of their duties.

Officers.

SEC. 5. The officers of the association shall consist of a president, secretary, treasurer, and board of trustees of not less than three members of the association. The president, secretary, and treasurer shall be *ex-officio* members of said board of trustee

Board of trustees.

SEC. 6. The board of trustees shall be the executive board of such association, and shall be charged with the general management of its affairs. Said board shall adopt by-laws for the association, and change the same at pleasure: *Provided*, That the by-law for the election of the members of said board of trustees and their terms of office shall be of no effect until the same is ratified by a majority vote of the members of the association. A majority of said board of trustees shall be a quorum for the transaction of business.

Proviso.

How existing societies may become body corporate under this act.

SEC. 7. All societies, unions or associations of tradesmen or laborers actually existing and conducting their affairs under a constitution or articles of association, may become a body corporate and politic, for the general purposes of this act, upon filing a copy of their constitution or articles of the association, society, or union, verified by the oath of one of the executive officers of such society, association or union in the office of the Secretary of State, and a like verified copy in the office of the county clerk of the county where such association, society, or union is formed. All societies, unions, and associations, becoming corporations as above provided, shall be subject to the provisions of this act.

Constitution, etc., when to stand as articles of association.

SEC. 8. The constitution or articles of association of the society, union or association referred to in the preceding section of this act when filed as therein provided, shall stand in lieu of the articles of incorporation required to be executed under this act and such constitution or articles of association may provide for the election of the trustees and other officers required by this act, naming the officers to act as the first incumbents: *Provided*, That nothing in this section contained shall be construed so as to legalize any pro-

Proviso.



visions that may be contained in said constitution or articles of association, repugnant to the general laws of this State or to public justice.

SEC. 9. All moneys, properties, or rights in action, equitably belonging to any society, union or association at the time the same shall become incorporated under the provisions of this act, shall vest in the corporation so formed, and may be recovered by such corporation in an action of assumpsit, or on the case, from any person unlawfully withholding the same. Property, etc., held by society to vest in corporation, etc.

Approved June 5, 1885.

[No. 146.]

AN ACT to amend chapter one hundred and forty-six of the compiled laws of eighteen hundred and seventy-one, being an act for the collection of tolls, and for the care, charge, and operating of the St. Mary's Falls Ship Canal, as amended by act number one hundred and seventy-seven of the session laws of eighteen hundred and sixty-five, by act number one hundred and eighteen of the session laws of eighteen hundred and seventy-seven, and by act number fifty-nine of the session laws of eighteen hundred and seventy-nine, being chapter two hundred and eleven of Howell's Annotated Statutes, by adding one new section thereto to be known as section eleven, authorizing any member of the board of control of said canal to administer oaths to witnesses brought before such board.

SECTION 1. *The People of the State of Michigan enact*, That an act to provide for the collection of tolls, and for the care, charge, and operating of the Saint Mary's Falls Ship Canal shall be amended by the addition of one new section thereto, to be known as section eleven and which shall read as follows: Act amended.

SEC. 11. That in the hearing of all claims and controversies of every nature that may come before the board of control of the Saint Mary's Falls Ship Canal, each member of said board of control shall be and is hereby authorized and empowered to administer oaths to, and to examine under oath each and every witness that may be produced before such board in regard to such claims and controversies then being heard before said board, and if any witness so produced and examined before said board shall testify or make oath falsely, he shall be deemed to have committed the crime of perjury, and shall be liable to prosecution for such offense under the laws of the State of Michigan. Power to examine under oath. Perjury.

Approved June 5, 1885.

[No. 147.]

AN ACT to provide for the introduction and use on all cars owned and operated by any railroad company or other corporation doing business in this State, of some form of automatic car

coupling, by means of which all cars may be coupled and uncoupled without the necessity of the brakeman or any other person passing between the cars.

Automatic  
coupler required  
to be used by.

Commissioner  
of Railroads to  
prescribe, and  
shall select two  
or more pat-  
terns.

Selection by  
railroads.

Enforcement of  
this act.

Penalty for  
violation.

SECTION 1. *The People of the State of Michigan enact*, That every railroad company on and after the first day of July, one thousand eight hundred and eighty-six, owning or operating a railroad or any portion of a railroad, wholly or partly in this State, shall place or cause to be placed upon every freight car thereafter constructed, purchased, or leased by such corporation, and upon every freight car owned, or leased by such corporation, which is sent to the shop for general repairs, or for repair of the coupling fixtures thereof, with the intent to use such car, such form of automatic or other safety coupler, at each end thereof, as the commissioner of Railroads, after examination and test of the same may prescribe. And such Commissioner of Railroads on or before May first, eighteen hundred and eighty-six, shall select two or more different patterns of automatic or other safety couplers, which will couple with each other, and also with the link and pin coupler, now generally in use, from which patterns said railroad companies may select couplers for use on cars, as required by this act.

SEC. 2. The provisions of this act may be enforced by any circuit court of this State in a county through which the railroad of any company refusing to comply with such provisions may run, upon application of the Commissioner of Railroads, under such penalty as the said court may determine, of not less than one hundred dollars for each violation of the provisions of this act.

Approved June 5, 1885.

[No. 148.]

AN ACT to establish a State House of Correction and a branch of the State Prison in the Upper Peninsula, and to provide for the location and erection thereof, and making an appropriation therefor.

Appropriation  
made.

Tax for.

How drawn.

Appointment of  
commissioners  
to locate.

SECTION 1. *The People of the State of Michigan enact*, That there shall be established and located in the Upper Peninsula of this State a State House of Correction and a branch of the State Prison, and there is hereby appropriated therefor the sum of one hundred and fifty thousand dollars, fifty thousand dollars of which sum shall be incorporated in the State tax for each of the years eighteen hundred and eighty-six, eighteen hundred and eighty-seven, and eighteen hundred and eighty-eight, and the sums when collected shall be placed by the Auditor General to the credit of said State House of Correction and prison fund, and may be drawn by the treasurer of the commissioners upon warrants made by their secretary and approved by the commissioners.

SEC. 2. The Governor shall appoint six persons, citizens of this State, who shall constitute a board of commissioners, whose duty it shall be to select and secure to the State a suitable site for such State House of Correction and branch of the State Prison, and to

erect the necessary buildings thereon. The Governor shall be *ex-officio* a member of said board. Should any vacancy occur in said board by death, resignation, or otherwise, the Governor shall fill the same by appointment.

Governor *ex-officio* member.

Filling of vacancy.

SEC. 3. Said commissioners shall, before entering upon the duties of their office, take and subscribe the constitutional oath of office, and file the same in the office of the Secretary of State. They shall also, at their first meeting, appoint from their number a treasurer; and a secretary not of their number. Said treasurer shall give his bond to the people of this State in the penal sum of twenty thousand dollars with two or more sureties, to be approved by the Governor, conditioned for the faithful performance of the duties required of him and to properly account for all moneys received by him under this act.

Oath.

Treasurer and secretary.

Treasurer's bond.

SEC. 4. Said commissioners shall proceed with all convenient speed to select and secure a suitable site, and shall have power to receive proposals for the donation of land to the State for such site and to receive the same by gift on behalf of the State, the deeds for which shall be executed to the people of this State and delivered to the Secretary of State; and in event no suitable site for said House of Correction and branch of the State Prison is donated to the State on or before the sixteenth day of September, eighteen hundred and eighty-five, then said board shall purchase a site therefor.

Selection of site.

SEC. 5. Said commissioners shall provide and adopt plans, specifications, and estimates for the grounds, buildings, and fixtures for such institution, of such form, style, and dimensions as when completed will not exceed in cost the sum of one hundred and fifty thousand dollars, and deposit the same with the Auditor General.

Plans, specification, etc., for.

Deposited with Auditor General.

SEC. 6. Said commissioners shall, as soon as they have secured such site and adopted such plans, specifications and estimates, advertise for a time not less than six weeks in such papers as they may select, in this State for proposals for constructing said State House of Correction and branch of the State Prison, or any portion thereof, in accordance with the plans and specifications heretofore mentioned. All contracts for labor and materials to be used in the erection and construction of said State House of Correction and branch of the State Prison, requiring an expenditure of more than five hundred dollars, shall be let to the lowest responsible bidder or bidders; and advertisement of the letting of such contracts shall be published in the Detroit daily papers and in one daily paper published in the Upper Peninsula, to be designated by the board, not less than thirty days before the time for opening bids; the advertisement thus provided for to specify the time and place when the bids or proposals made in pursuance thereof shall be opened. All bids or proposals thus made shall be sealed, and shall not be opened at any time or place other than that designated in the advertisement. All or any bids or proposals received by said commissioners may be by them rejected, and whether accepted or rejected shall, after decision thereon by said commissioners, be deposited in the office of the Secretary of State. No contract made by the commis-

Advertisement for construction.

Contracts.

Bids and proposals.

Governor's approval required on contracts.  
Filed with Auditor General, etc.  
Proviso.

sioners shall be binding, until approval by the Governor in writing shall be endorsed thereon. When so approved, said contract shall be filed with the Auditor General, who shall file the same in his office, and shall make and certify a copy thereof, and deliver such copy to the said commissioners: *Provided*, That after the building of said State House of Correction and branch of the State Prison has so far advanced as to receive and keep prisoners, the said board of commissioners shall have power and authority, with the approval of the Governor, to buy materials for, and employ such prisoners upon the completion of said work.

Limitation as to payment on contracts.

SEC. 7. In letting contracts said commissioners shall not obligate the State to pay to any contractor any money other than that to which said contractor may be justly entitled by reason of labor or materials already furnished and supplied, and in no event shall more than eighty-five per cent of the amount called for in any contract be paid to the contractor named therein before the completion of his contract and its acceptance by the commissioners: *Provided*, That every contractor performing service or work, or furnishing materials under this act, shall enter into such bonds, with sureties, for the proper performance of his contract, as shall be required by said board of commissioners, and approved by the Governor.

Proviso.

Architect to superintend erection, etc.

SEC. 8. The said board of commissioners shall employ the architect whose plans they may adopt to superintend under their direction the erection and construction of the State House of Correction and branch of the State Prison herein provided for; and before entering upon the discharge of his duties shall take the oath of office prescribed by the Constitution and laws of this State, and give bond for the faithful performance of the duties of his office in the penal sum of ten thousand dollars.

Oath of.

Compensation of board, architect, secretary, and treasurer.

SEC. 9. Each of the members of said board of commissioners shall be entitled to receive his actual expenses made in the discharge of his duties under this act, and the architect, secretary, and treasurer hereinbefore provided for shall receive a reasonable compensation for their services, to be established by the board of commissioners and approved by the Governor, which compensation and expenses shall be audited by the Board of State Auditors.

Accounts current to be rendered Auditor General.

SEC. 10. It shall be the duty of the said secretary of the said board of commissioners to render to the Auditor General accounts current of all transactions, as required by act number one hundred and forty-eight, laws of eighteen hundred and seventy-three, with an estimate and statement showing the purpose for which payments have been paid, and an estimate showing the amount which has accrued to the contractors, and the amount of percentage retained.

Commissioner must not have interest in contracts.

SEC. 11. No commissioner appointed under this act shall be directly or indirectly interested in any contract or contracts for the erection or construction of said State House of Correction and branch of the State Prison, or the furnishing of labor or materials for the same.

\$5,000 may be used for securing plans, etc.

SEC. 12. Said board of commissioners are hereby authorized at any time during the year eighteen hundred and eighty-five, to draw from the general fund of the State treasury such amounts of money

not exceeding five thousand dollars, as they shall deem necessary for securing plans and specifications and a site for said State House of Correction and branch of the State Prison; and the amount so drawn shall be considered as an advance to the State House of Correction and branch of the State Prison upon the appropriation made by this act, and such amount shall be deducted from the fund appropriated for said State House of Correction and branch of the State Prison, and returned to the general fund when such appropriation shall have been collected and paid into the State treasury.

This act is ordered to take immediate effect.

Approved June 5, 1885.

[No. 149.]

AN ACT to amend section one of an act entitled, "An act to provide wives with property and maintenance from their husbands' estate, when neglected or deserted by them," approved April twenty-four, eighteen hundred and seventy-three, being consecutive section six thousand two hundred and ninety-one of the general statutes of the State of Michigan in force, compiled and annotated by Andrew Howell.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to provide wives with property and maintenance from their husbands' estate, when neglected or deserted by them," approved April twenty-four, eighteen hundred and seventy-three, being consecutive section six thousand two hundred and ninety-one of the general statutes of the State of Michigan in force, compiled and annotated by Andrew Howell, be and the same is hereby amended to read as follows: Section amended.

SECTION 1. Whenever a husband shall, without good and sufficient cause, desert his wife, or shall have deserted his wife, or being of sufficient ability to support her, shall refuse or neglect to properly provide for and suitably maintain her, being a resident of of this State, the circuit court in chancery of any county in this State in which said husband or wife shall reside, shall on the application of the wife by petition, allot, assign, set apart and decree to her as alimony, the use of such part of her husband's real and personal estate, or such proportion of his earnings, income or revenue, as the court may determine, in its discretion, and during the pendency of the proceeding may require the husband to pay such sums to carry on the proceeding, or for her support as it shall deem necessary, in like manner as provided by section four thousand seven hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, in case of suits for divorce. Alimony in case wife is deserted or neglected by husband.

Approved June 5, 1885.

[No. 150.]

AN ACT to amend sections fifty and fifty-one of act number one hundred and eighty of the session laws of eighteen hundred and



seventy-five; also compiler's sections sixty-two hundred and fifty-five of the compiled laws of eighteen hundred and seventy-one, said sections being continuous sections seventy-eight hundred and thirty-six, seventy-eight hundred and thirty-seven, seventy-eight hundred and thirty-eight, and seventy-eight hundred and thirty-nine of Howell's Annotated Statutes, relative to the action of ejectment.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections fifty and fifty-one of act number one hundred and eighty of the session laws of eighteen hundred and seventy-five, and compiler's sections six thousand two hundred and fifty-four and six thousand two hundred and fifty-five of the compiled laws of eighteen hundred and seventy-one, being continuous sections seventy-eight hundred and thirty-six, seventy-eight hundred and thirty-seven, seventy-eight hundred and thirty-eight, and seventy-eight hundred and thirty-nine of Howell's Annotated Statutes, be amended so as to read as follows:

When defend-  
ent in eject-  
ment allowed  
value of im-  
provements.

(6252.) SEC. 50. Whenever in any action of ejectment the plaintiff, or any one or more of the plaintiffs, if there be more than one, shall recover, or recover any undivided interest in the premises the defendant or defendants shall be allowed compensation in proportion to such recovery for buildings and improvements on the premises recovered, erected, or made by him or them, by any person through whom he or they claim title to the extent that such buildings and improvements shall increase the present value of said premises: *Provided*, The defendant or defendants, or the person through whom he or they claim title, shall have been in the actual, peaceable occupation of the premises recovered, for six years before the commencement of the action: *Or, provided*, The same shall have been so occupied for a less time than six years under a color of title and in good faith.

Proviso.

Idem.

Estimating  
value of im-  
provements and  
value of premi-  
ses without im-  
provements.

(6253.) SEC. 51. In all actions of ejectment, if any defendant wish to avail himself of the provisions for compensation contained in the last preceding section, he may file a claim in writing, to compensation for buildings and improvements on the premises in controversy, setting forth therein the character of the occupation, and the time thereof, and a request that the jury find whether the premises have been actually and peaceably occupied by the defendant, or the person through whom he claims title, and the time of such occupation, and determine the increased value of the premises by reason thereof, a copy of which, with notice of the filing thereof, shall be served on the plaintiff or his attorney at least ten days before the first day of the term at which such cause is tried. The plaintiff may then file a request in writing, that the jury also find and determine what would have been the value of the premises at the time of the trial, if no buildings had been erected or improvements made or waste committed, a true copy of which, with notice of filing shall be served on the defendant or his attorney, within five days after service of said notice of claim for compensation for improvements. The jury, in all cases in which the above matters

shall be submitted to them, shall, by their verdict, if they find for the plaintiff, also find and determine upon said matters.

(6254.) SEC. 52. If, after the rendition of the verdict, the plaintiff shall at the same or next subsequent term of the court make his election on record to abandon the premises to the defendant at the value estimated by the jury, or in cases where an undivided interest is recovered at a proportionate part of such value, then judgment shall be rendered against the defendant for the sum so estimated by the jury, with costs of suit; where the recovery is of an entire interest, and where recovery is had of an undivided interest, then judgment shall be rendered against the defendant for a proportionate part of the sum so estimated by the jury, with costs of suit, which judgment shall be a lien upon the premises in question, and execution may issue on such judgment and be levied upon such premises, and the same may be sold by virtue thereof, in the same manner, and with [the] like effect, as any other real estate of the defendant.

Plaintiff may abandon premises and take judgment for value; such judgment to be a lien.

(6255.) SEC. 53. If the plaintiff shall not elect to abandon the premises to the defendant, he shall within one year after the rendition of the judgment for the recovery of the premises, in cases of a recovery of an entire interest, pay to the clerk of the court, for the use of the defendant, such sum as shall have been assessed for the buildings and improvements, with interest thereon; and in cases where a recovery of an undivided interest is had, the said plaintiff shall pay to the said clerk, for the use of the defendant, within the time aforesaid, a proportionate part of such sum as shall have been assessed for the buildings and improvements, with interest thereon; and no writ of possession shall issue on the judgment rendered on the verdict, nor any new action be sustained for the land, or undivided interest in the same, as the case may be, until such sum is paid; in case of a recovery of an entire interest, and until a proportionate part of such sum is paid, in case of a recovery of an undivided interest, and a default to pay to said clerk as aforesaid, shall be deemed an abandonment of all claim of title to the premises, and be a bar to the recovery thereof.

Plaintiff may pay value of improvements within one year; effect of neglect.

Approved June 5, 1885.

[No. 151.]

AN ACT to amend section twelve of act number eighty-two of the session laws of eighteen hundred and seventy-three, being continuous section number four thousand two hundred and fifty-eight of Howell's Annotated Statutes of Michigan, entitled "An act to provide for the incorporation of mutual fire insurance companies and defining their powers and duties, and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act number ninety-four of the session laws of eighteen hundred and seventy-one, approved April twelve, eighteen hundred and seventy-one."

SECTION 1. *The People of the State of Michigan enact*, That section twelve of act number eighty-two of the session laws of eight-

Section amended.

een hundred and seventy-three, being continuous section four thousand two hundred and fifty-eight of Howell's Annotated Statutes of Michigan entitled, "An act to provide for the incorporation of mutual fire insurance companies and defining their powers and duties, and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act ninety-four of the compiled laws of eighteen hundred and seventy-one, approved April twelve, eighteen hundred and seventy-one," be amended so as to read as follows:

Suits, how  
prosecuted and  
maintained.

SEC. 12. Suits at law may be maintained by any corporation formed under this act against any of its members, for any cause relating to the business of such corporation; also, suit at law may be prosecuted and maintained by any member against such corporation, for claims which may have accrued, if payments are withheld more than sixty days after such claims shall have become due. In all cases whereby the charter and by-laws of any company now organized, or which may be hereafter organized under the provisions of this act, and doing business in any county or counties in this State upon application or agreements, with or without taking from the insured any premium note or notes, it shall be lawful for any such mutual insurance company to make assessments upon such agreements, or the policies issued thereon *pro rata*, on all farm property embraced in section one of this act, but on school houses, Grange halls, churches, agricultural buildings and property of a like character, the company may fix a different percentage for premium or assessment: *Provided*, The same shall be incorporated in their charter according to the amount of such agreement or policies, for the payment of the losses and expenses incurred by such company and all such premium notes or assessments shall be a lien upon the property insured to the amount of such note or assessments, costs and interest due thereon.

Proviso.

Approved June 5, 1885.

[No. 152.]

AN ACT to authorize the establishment of a home for disabled soldiers, sailors, and marines in the State of Michigan.

Appropriations  
made for build-  
ings, etc.

SECTION 1. *The People of the State of Michigan enact*, That there shall be established in this State an institution under the name and style of the "Michigan Soldiers' Home," and that the sum of one hundred thousand dollars be and is hereby appropriated from the general fund for preparing grounds, and for the erection of suitable buildings and fixtures thereon, and furnishing and equipping the same; and the further sum of fifty thousand dollars, or so much thereof as may be necessary, for the purpose of maintaining such Soldiers' Home for the years eighteen hundred eighty-five and eighteen hundred eighty-six: *Provided*, That the board may use ten thousand dollars of the above, or so much as may be needed, to support or maintain such persons as are entitled to support under this act up to the time the home is ready for occupancy, in such manner and such place as the board may deem

For mainten-  
ance, etc.

Proviso.

best: *Provided, however,* That it shall not be lawful for the board of managers hereinafter created to draw upon the sum hereby appropriated, an amount exceeding one hundred and ten thousand dollars in the year eighteen hundred and eighty-five, and the sum of forty thousand dollars in the year eighteen hundred and eighty-six. Idem.

SEC. 2. The general supervision and government of said Soldiers' Home shall be vested in a board of managers, to consist of six members, who shall be appointed by the Governor, by and with the advice and consent of the Senate, the members of which board shall hold their office for the respective terms of two, four, and six years from the first day of March, eighteen hundred and eighty-five, and until their successors shall be appointed and qualified, said respective terms of office to be designated in their several appointments, and thereafter there shall be two members of said board appointed every two years whose term of office shall continue for six years, or until their successors are appointed and qualified. The Governor shall be a member of said board *ex-officio*, and shall be chairman thereof. Board of managers.

SEC. 3. The said board is hereby empowered to select and establish with all convenient dispatch, a site for the Soldiers' Home, and for that purpose they are also hereby authorized to receive proposals for the donation of lands for the location of such home, in behalf of the State, and for the benefit of said institution: *Provided*, That good and sufficient titles to any lands thus granted shall be obtained by said board before any such site shall be fully established. Selection of site, etc.  
Proviso.

SEC. 4. The said board, having established a site for the Home, shall immediately deposit a certificate of their determination, together with all conveyances of lands granted, in the office of the Auditor General. They shall also prepare, or cause to be prepared, and adopt a plan for the grounds, buildings and fixtures necessary for such institution, of such form, dimensions, style and finish, as when completed, the grounds and improvements thereon, including the buildings and fixtures therein, shall be at a cost to the State not exceeding the sum hereinbefore appropriated. Certificate of determination, etc., to be deposited with Auditor General.  
Plans.

SEC. 5. The board of managers having secured a site, and adopted a plan for the grounds and buildings, which shall not comprise less than one hundred acres of land, shall forthwith proceed to advertise for proposals for the erection and furnishing of such parts of the buildings, in accordance with their plans, as may be necessary to put the said institution in readiness at an early day, for the reception of such disabled soldiers, sailors, or marines, as shall be hereinafter declared entitled to homes in said institution; and upon the reception of such proposal, they may, in their discretion, make contracts with such bidders as shall make proposals most conducive to the interests of the State, taking into consideration the price, time of performance, and responsibility of the contractor, with such sureties as he may offer; which contract, when duly executed, shall also be deposited in the office of the Auditor General; and a duplicate of said contract shall be kept by the Advertisement for proposals.  
Contracts.

secretary or other proper officer of the board as a part of the records of the institution.

Compensation of members of board.

SEC. 6. Each of the members of said board shall be entitled to receive his actual and necessary expenses, the accounts for such expenses to be allowed by the Board of State Auditors and paid from the general fund in a similar manner to those for members of other boards of the several State institutions.

Annual meeting of board.

SEC. 7. It shall be the duty of the members of the board of managers to meet annually at the Home on the second Wednesday in March of each year, and at said annual meeting they shall elect of their own body, a treasurer and a clerk, who shall hold their office for one year, and until their successors shall be elected and qualified.

Officers of.

Other meetings. To prepare form of government, etc., for Home.

SEC. 8. It shall be the duty of the board of managers to meet once in every three months, on their own adjournment, and oftener if they shall deem it advisable, at which meeting they shall prepare and carefully digest and mature a system of government for said Home, embracing all such rules, regulations, and general laws as they may deem necessary for preserving order, for enforcing discipline, for preserving the health of such disabled soldiers, sailors, or marines as may be received at this Home.

May visit similar institutions for said purpose.

SEC. 9. For the purpose of maturing said system of government and discipline, it shall be competent for said board to authorize one of its members to visit similar institutions now in operation and by personal inspection and investigation, to acquire an insight into the principles and practical workings of said similar Homes, for the information and benefit of said board; the expense actually and necessarily incurred in any such visit and investigation, to be charged against the appropriation hereinbefore made.

Commandant of Home.

Salary of.

Subordinate officers.

SEC. 10. The board of managers shall have power, and it shall be their duty to appoint a commandant for said Home who shall be an ex-officer, soldier, sailor or marine, whose salary shall not exceed twelve hundred dollars per annum, and who shall nominate, for the action of the board of managers, all necessary subordinate officers who shall also be ex-officers, soldiers, sailors or marines, who may be dismissed by said commandant for inefficiency or misconduct; but in case of every removal a detailed statement of the case shall be reported to the board of managers by the commandant. The board of managers shall have power to fix the salaries of all subordinate officers: *Provided*, The amount so paid shall not exceed such reasonable compensation as is paid for the like service in similar institutions.

Salaries of. *Provided*.

Who entitled to admission to Home.

SEC. 11. All honorably discharged soldiers, sailors, and marines, who have served in the army or navy of the United States in the late war of the rebellion, and who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living, and who would be otherwise dependent upon public or private charity, shall be entitled to be admitted to said Home, subject to the rules and regulations that shall be adopted by the board of managers to govern the admission of applicants to said Home: *Provided*, That



no applicant shall be admitted to said Home who has not been Proviso.  
a resident of the State of Michigan for one year next preceding  
the passage of this act unless he served in a Michigan regiment or  
was accredited to the State of Michigan.

SEC. 12. The method of drawing money from the State treasury Drawing and  
accounting for  
money.  
and accounting for the same shall be similar to that now in force  
with other State institutions, as prescribed by the general law.

SEC. 13. The Auditor General shall add to and incorporate in Tax for.  
the State tax for the year eighteen hundred and eighty-five, the  
sum of one hundred and ten thousand dollars, and for the year  
eighteen hundred and eighty-six the further sum of forty thousand  
dollars, which sums when collected, shall be passed to the credit of  
the general fund to reimburse the same for the amounts advanced  
under the provisions of this act.

Ordered to take immediate effect.

Approved June 5, 1885.

[No. 153.]

AN ACT to provide for the assessment of property, and the levy  
and collection of taxes thereon.

OF THE PERSONS AND PROPERTY LIABLE TO TAXATION.

SECTION 1. *The People of the State of Michigan enact*, That all  
property within the jurisdiction of this State, not expressly  
exempted, shall be subject to taxation.

SEC. 2. For the purpose of taxation, real property shall include Real property  
includes what.  
all lands within the State, and all buildings and fixtures thereon  
and appurtenances thereto, except in cases otherwise expressly pro-  
vided by law; personal property shall include all goods and chattels Personal prop-  
erty.  
within the State, all ships, boats, and vessels belonging to inhabit-  
ants of this State, whether at home or abroad, and their appur-  
tenances; all goods, chattels, and effects belonging to inhabitants  
of this State, situate without this State, except that property actu-  
ally and permanently invested in business in another State shall  
not be included; all indebtedness due to inhabitants of this State  
whether such indebtedness is due from individuals or from corpor-  
ations, public or private, and whether such debtors reside within  
or without the State; all shares in corporations organized under  
the laws of this State, when the property of such corporation is  
not exempt or is not taxable to itself; all shares in banks organ-  
ized in this State under any law of the United States; but in esti-  
mating the value of such shares deduction shall be made of the  
value of all real estate taxed to the bank; all shares in foreign cor-  
porations (except national banks) owned by inhabitants of this  
State; all moneys; all annuities and royalties; all interests owned  
by individuals in lands, the fee of which is in this State or the  
United States, except as hereinafter provided. Property exempt  
from taxation by the laws of the United States shall not be  
included. Shares in corporations, the property of which is taxable  
to itself, shall not be assessed to the shareholder.

Property  
exempt from  
taxation.

SEC. 3. The following property shall be exempt from taxation:

*First*, All public property belonging to the United States, to this State, or to any county, city, village, township, or school district within this State, save lands purchased at tax sales, and still held by the State;

*Second*, The personal property of all library, benevolent, charitable, and scientific institutions, incorporated under the laws of this State, and such real estate as shall be occupied by them for the purposes for which they were incorporated;

*Third*, All houses of public worship, with the land on which they stand, the furniture therein, and all rights in the pews; and also any parsonage owned by any religious society of this State and occupied as such;

*Fourth*, All lands used exclusively as burial grounds, and the rights of burial therein and the tombs and monuments therein, while in use for that purpose: *Provided*, That the stock of any corporation owning such ground shall not be exempt: *Provided further*, That tombs or vaults built within any burying grounds and kept for rent, in whole or in part, shall be assessed as personal property;

*Fifth*, Library or school books of the value of one hundred and fifty dollars, the personal wearing apparel of every individual, and all family pictures;

*Sixth*, Furniture and utensils in use in any dwelling-house, of the value of two hundred dollars; musical instruments not exceeding in value one hundred and fifty dollars, and other personal property owned and used by any householder in connection with his house or business, of the value of two hundred dollars;

*Seventh*, The personal and real property of persons who, in the opinion of the supervisor, are, by reason of poverty, unable to contribute towards public charges.

How corporate  
property  
assessed.

What property  
of corporations  
paying specific  
taxes exempt.

Taxable prop-  
erty of insur-  
ance companies.

SEC. 4. All corporate property, except where some other provision is made by law, shall be assessed to the corporation as to a natural person in the name of the corporation. The place where its principal office in this State is situated shall be deemed its residence. The property of corporations paying specific taxes shall be exempt, as to the property covered by such taxation except when otherwise provided by law. All other property of such corporations shall be taxed under this act. In computing the taxable property of insurance companies organized under the laws of this State, the value of the real property on which a company pays taxes shall be deducted from its net assets above liabilities, as determined and shown by the last report of the Commissioner of Insurance, and the remainder shall be the amount of personal property for which the company shall be assessed.

Co-partnership  
property, how  
assessed.

Partners'  
liability.

SEC. 5. For the purposes of assessing property and collecting taxes, a co-partnership shall be treated as an individual, and whenever the name of the owner, or occupant of property is required to be entered upon the assessment roll, if such property is owned or occupied by a co-partnership, the firm name shall be used. A co-partnership shall be deemed to reside in the township where its business is principally carried on. Each partner shall be liable for the whole tax.

SEC. 6. Real property shall be assessed in the place where situated, and to the owner, if known; if not, then to the occupant if any, and if there be no occupant, then as unknown. An executor, administrator, guardian, or trustee, having control of real property may be treated as its owner.

Where real property to be assessed.

SEC. 7. The real property which belonged to a person deceased, not being in the control of an executor or administrator, may be assessed to his heirs or devisees jointly without naming them, until they shall have given notice of their respective names to the supervisor, and of the division of the estate.

Of deceased persons, to whom.

SEC. 8. All licensed homestead lands, the fee of which is in this State, or the United States, when the licensee is entitled to make his final proof to obtain a patent, shall be assessed, returned, and sold as other real property.

Homesteads.

SEC. 9. The interest in land of any person holding a part-paid certificate for the purchase of any State lands shall be assessed separate from other property. The assessment shall describe the land and state therein that the title is in the State. The taxes, if not paid to the township treasurer, shall be returned and collected as hereinafter provided.

Part-paid certificates, how assessed.

SEC. 10. All personal property, except as hereinafter provided, shall be assessed to the owner in the township of which he is an inhabitant, on the second Monday of April of the year for which the assessment is made.

Personal property to be assessed in township where owner resides.

SEC. 11. The excepted cases referred to in the preceding section are as follows, viz.:

Exceptions to cases in preceding sections.

*First*, All goods and chattels situate in some township other than where the owner resides shall be assessed in the town where situate, and not elsewhere if the owner or person having control thereof hires or occupies a store, mill, dockyard, piling ground, place for sale of property, shop, office, mine, farm, storage, manufactory or warehouse therein, for use in connection with such goods and chattels: *Provided*, That the procuring any such property to be manufactured upon contract shall be deemed to hire a mill or manufactory within the meaning of this section;

*Second*, All animals kept throughout the year in some town other than where the owner resides shall be assessed to such owner, or the person in possession, in the town where kept;

*Third*, All shares in banks shall be assessed to their owners in the town where the bank is located: *Provided*, That shares owned by a person residing within the county where the bank is located shall be assessed in the town where he resides;

*Fourth*, Personal property of non-residents of the State and all forest products owned by residents or non-residents shall be assessed to the owner or to the person having control thereof in the township or ward where the same may be, except that where such property is in transit to some place within the State, it shall be assessed in such place: *Provided*, All forest products in transit on the second Monday of April and thereafter found in the waters or streams of this State, shall be held to have a place of destination at the sorting grounds of the rafting and driving agents or booming company

nearest the mouth of such stream, unless the contrary shall be made to appear by the owner or party having the same in charge: *Provided further*, That all lumber, logs, timber, lath, pickets, shingles, posts, cordwood, tanbark, telegraph or telephone poles, or railroad ties, that may be piled, or left in any yard, railroad reserve, or in any shed, or any other place, shall not be deemed in transit, but shall be assessed to the owner thereof in the township or ward where the same may be situate at the time provided for by law for taking any assessment;

*Fifth*, The personal property of minors under guardianship shall be assessed to the guardian in the town where he resides, and the personal property of every other person under guardianship shall be assessed to the guardian in the town where the ward resides;

*Sixth*, The personal property belonging to the estates of deceased persons, in the hands of executors or administrators, shall be assessed to them in the town where the deceased last dwelt, until they shall give notice that the estate has been distributed to the parties interested. If such deceased was a non-resident of the State, such property shall be assessed in the town where situated, to such executors, administrators, or to the person in possession;

*Seventh*, Personal property under the control of a trustee or agent, whether a corporation or natural person, may be assessed to such trustee or agent, except as otherwise provided, in the town where he resides. Personal property mortgaged or pledged shall be deemed the property of the person in possession thereof and may be assessed to him;

*Eighth*, All personal property of any person situate upon, also all buildings situate and being upon the lands of the United States, or of this State, shall be deemed personal property for the purposes of taxation and assessment, and shall be assessed as personal property to the owner or occupant thereof, in the city, village, or township to which such lands belong or form a part, and such buildings shall be subject to sale for taxes in the same manner as herein provided for the sale of personal property: *Provided, however*, It shall not be necessary to remove any such buildings for the purpose of sale.

#### OF THE ASSESSMENT ROLL.

Supervisor to ascertain property in his township.

May require detailed statement in writing.

Auditor General to furnish blanks.

SEC. 12. It shall be the duty of each supervisor, as soon as possible after entering on the duties of his office, to ascertain the taxable property of his township, and the persons to whom it should be assessed, and their residences. For this purpose he may require every person of full age and sound mind, and the proper officer of every corporation, to make in writing a full and detailed statement, signed by the person making it, of all the taxable property of such person or corporation, whether owned by him or it or held for the use of another, and it shall be the duty of every such person and corporation to furnish such statement when so requested. The Auditor General is required to prepare and distribute to the county treasurers blanks for such statements. These blanks shall be furnished by the county treasurers to the supervisors, and each super-

visor is authorized to add to such blank any questions he may deem necessary. These statements shall show whether such property is owned by the person making the statement, or held for the use of another, and if the latter, in what capacity it is held. The cashier of every bank shall, on the second Monday of April in each year, file in the office of the county clerk of the county where the bank is located, a statement of all real estate held by the bank and its value, a list of the names of the stockholders, the amounts of stock held by each, and their respective residences. The statement aforesaid shall show the facts as they exist on the second Monday of April of the year when made. Immediately after the filing of such statement, the county clerk shall notify the supervisor of each township of the name of each person (if any) residing in his township holding shares of stock in any such bank, and of the amount thereof, as shown by such statement. All property shall be assessed as of the second Monday of April.

Statement to show what.

Cashier of banks to file statement of property with county clerk.

County clerk to notify supervisor of names of persons holding stock.

SEC. 13. Every person required by this act to make or deliver such statement shall set forth an account of the property held or owned by him, as follows:

Statement to set forth what.

#### REAL PROPERTY.

An accurate description of each parcel of land with the number of acres, and the number of acres improved and the number and kind of buildings thereon.

#### PERSONAL PROPERTY—CREDITS.

*First*, All annuities and royalties;

*Second*, All bonds, notes, mortgages, accounts, demands, claims, and other indebtedness owing to such person, whether such indebtedness is due from individuals or from corporations, public or private, and whether such debtors reside within or without this State, including all deposits in banks or with other corporations or individuals.

#### PERSONAL PROPERTY—CHATTELS.

*First*, All shares in banks organized in this State under any law of this State or of the United States, and their value after deducting the value of the real estate taxed to the banks;

*Second*, All shares in foreign corporations (except national banks), and their value;

*Third*, All shares in other corporations organized under the laws of this State, when the property of such corporation is not exempt, or is not taxable to itself, and their value;

*Fourth*, All moneys;

*Fifth*, The value of all gold and silver plate, watches, diamonds, and jewelry;

*Sixth*, The value of all household furniture and musical instruments over and above exemptions;

*Seventh*, All patent rights and their value;

*Eighth*, The number and kinds of domestic animals, and their value;

*Ninth*, All wagons, carriages, and sleighs, and their value;



*Tenth*, All mechanical and agricultural implements and tools, and their value;

*Eleventh*, All machinery not affixed to real property, and its value;

*Twelfth*, All ships, boats, and vessels, whether at home or abroad, and their value;

*Thirteenth*, All merchandise and stock in trade, and its value;

*Fourteenth*, All logs, timber, lumber, posts, and ties and their value, where the same is situate on the second Monday of April, as near as may be, and the distinctive marks thereon, if any, and place of destination in this State;

*Fifteenth*, All other goods, chattels, and personal property not heretofore specifically mentioned, and their value, except property specifically exempt from taxation;

*Sixteenth*, All goods and chattels which are exempt from taxation.

Power and authority of supervisors when persons neglect to make statement of property.

SEC. 14. In every case when any person shall neglect or refuse to make out and deliver a statement of his property to the supervisor, as required by this act, or if the supervisor shall be satisfied that any statement so made is incorrect, said supervisor is hereby authorized to examine on oath the person so neglecting or refusing; and any other person or persons whom he may have good reason to believe and does believe has knowledge of the amount or value of any property owned or held by such person so neglecting or refusing; and such supervisor is hereby authorized to set down and assess to such person such amount of personal property as he may deem just.

Time and manner of making assessment roll and powers and duties of supervisor.

SEC. 15. On or before the third Monday of May in each year, the supervisor shall make and complete an assessment roll, upon which he shall set down the name of every person liable to be taxed for personal property in his township, and also a full description of all the real property liable to be taxed in such township. If the name of the owner or occupant of any such tract or parcel of real property is known, he shall enter the name of such owner or occupant opposite to the description thereof; in all other cases the real property described upon such roll shall be assessed as owner unknown. Each description shall show the number of acres contained in it, as determined by the supervisor. It shall not be necessary for the assessment roll to specify the quantity of land comprised in any town, city, or village lot. The supervisor shall estimate, according to his best information and judgment, the true cash value of every parcel of real property, and set the same down opposite such parcel. He shall also estimate the true cash value of all the personal property of each person, and set the same down opposite the name of such person. In determining the property to be assessed and in estimating such values he shall not be bound to follow the statements of any person, but shall exercise his best judgment. Property assessed to one other than the owner shall be assessed separate from his property, and shall show in what capacity it is assessed to him. Two or more persons not being co-partners, owning personal property in common, may each be assessed severally for his portion

thereof. Undivided interests in lands owned by tenants in common, or joint tenants not being co-partners, may be assessed to the owners thereof.

Undivided  
interests in  
lands, how  
assessed.

SEC. 16. The description of real property may be as follows, viz.: How real prop-  
erty to be  
described.

*First*, If the land to be assessed be an entire section, it may be described by the number of the section, township, and range;

*Second*, If the tract be the subdivision of a section authorized by the United States for the sale of public lands, it may be described by the designation of such subdivision with the number of the section, township, and range;

*Third*, If the tract be less or other than such subdivision, it may be described by designation of the lot or other lands by which it is bounded, or in some way by which it may be known;

*Fourth*, In cases of lands platted or laid out as a town, city, or village, or as an addition to a town, city, or village, the same may be described by reference to such plat, and by the number of the lots and blocks thereof, whether such plat be recorded or not;

*Fifth*, When two or more parcels of land are used or occupied together they may be assessed by one valuation;

*Sixth*, Lands may be designated by any description by which they may be known;

*Seventh*, It shall be sufficient to describe the real property assessed upon any roll and in all other proceedings under this act, in the manner heretofore in use by initials, letters, abbreviations and figures.

SEC. 17. The words "cash value" whenever used in this act, shall be held to mean the usual selling price at the place where the property to which the term is applied shall be at the time of assessment, being the price which could be obtained therefor at private sale, and not at forced or auction sale.

Cash value to  
mean what.

SEC. 18. After the annual township meeting, and on or before the first Monday in May in each year, the township board shall appoint two suitable tax paying electors of the township to serve as members of the board of review for that year, who shall take the constitutional oath of office. The supervisor and the two electors so appointed shall constitute the board of review for such township. The township board may fill any vacancy which shall occur in the membership of said board of review. A majority of said board of review shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and a majority vote of those present shall decide all questions. On the Tuesday next following the third Monday of May, the board of review of each township shall meet at the office of the supervisor, at which time the supervisor shall submit to said board the assessment roll for the current year, as prepared by him, and the said board shall proceed to examine and review the same, and during that week, said board, of its own motion, or on sufficient cause being shown by any person, shall add to said roll the names of persons, the value of personal property, and the description and value of real property liable to assessment in said township, omitted from such assessment roll; they shall correct all errors in the names of persons, in the descriptions of property upon such

Board of  
review, appoint-  
ment of.

who to consti-  
tute.  
Vacancy in,  
how filled.

Quorum.

To meet, when  
and where.

Supervisor to  
submit roll to.

What board  
required to do

roll, and in the assessment and valuation of property thereon and they shall cause to be done whatever else may be necessary to make said roll comply with the provisions of this act. The board shall pass upon each valuation, and enter the valuation as fixed by it in a separate column. The roll as prepared by the supervisor shall stand as approved and adopted as the act of the board of review, except as changed by a vote as herein provided. If for any cause a quorum does not assemble during the week above mentioned, the roll as prepared by the supervisor shall stand as if approved by the board of review.

Roll to stand as approved.

Second meeting of board on fourth Monday of May.

Six hours' session.

To correct assessment.

Statement to be endorsed on roll.

Form of statement.

SEC. 19. Said board of review shall also meet at the office of the supervisor on the fourth Monday in May, at nine o'clock in the forenoon, and continue in session during that day and the day following and as much longer as may be necessary to complete the review of such assessment roll, not to exceed five days in all. Such board shall continue its session at least six hours each day, and at the request of any person whose property is assessed thereon, or of his agent, and on sufficient cause being shown shall correct the assessment as to such property in such manner as in their judgment will make the valuation thereof relatively just and equal. To that end said board may examine on oath the person making such application or any other person touching the matter. Any member of said board may administer such oath. After said board shall complete the review of said roll, a majority of said board shall endorse thereon and sign a statement to the effect that the same is the assessment roll for said township for the year in which it has been prepared and approved by the board of review. Said statement may be in the following form, viz.:

"Assessment roll of the township of — for the year 18—, as approved by the board of review.

"Dated —

\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,

*Board of Review."*

Omission of endorsement not to affect validity of roll.

Notice to members to attend meeting of board.

When board to meet if second meeting not held.

Upon the completion of said roll and its endorsement in manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes hereinafter mentioned. The omission of such endorsement shall not affect the validity of such roll.

SEC. 20. If from any cause a quorum shall not be present at any meeting of the board of review it shall be the duty of the supervisor, or, in his absence, any other member of the board present, to notify each absent member to attend at once, and it shall be the duty of the member so notified to attend without delay. If from any cause the second meeting of such board of review herein provided for, is not held at the time fixed therefor, then and in that case it shall meet on the next Monday thereafter and proceed in the same manner and with like powers as if such meeting had been held as hereinbefore provided.

SEC. 21. The board of supervisors in each county shall, at their

session in October in each year examine the assessment rolls of the several townships, and ascertain whether the relative valuation of the real property in the respective townships has been equally and uniformly estimated. If, on such examination, they shall deem such valuation to be relatively unequal, they shall equalize the same by adding to or deducting from the valuation of the taxable property in any township or townships such an amount as in their judgment will produce relatively an equal and uniform valuation of the real property in the county, and the amount added to or deducted from the valuation in any township shall be entered upon the records. They shall also cause to be entered upon their records the aggregate valuation of the taxable real and personal property, of each township of their county, as determined by them. The board shall also make such alterations in the description of any lands upon such rolls as may be necessary to render such description conformable to the requirements of this act. After such rolls shall have been equalized, each shall be delivered to the supervisor of the proper township, who shall file and keep the same in his office.

Examination of roll by board of supervisors.

Equalization of valuation of property.

Aggregate valuation of taxable property.  
Alterations in description.

Disposition of roll after equalization.

SEC. 22. On or before the first day of September in each year, the Auditor General shall make and record in his office, a statement showing the taxes to be raised for State purposes that year, referring to the law on which each tax is based, and the total amount of such taxes. This State tax he shall apportion among the several counties in proportion to the valuation of the taxable property therein as determined by the last preceding State Board of Equalization, and shall, before the October session of the board of supervisors in each year, make out and transmit to the clerk of each county a statement of the amount of such taxes so apportioned to such county. He shall also, in a separate item of said statement, set forth the amount of indebtedness of such county to the State as shall be shown by the statement of the account between the county and the State made by the Auditor General on the first day of July next previous to such apportionment; which amount shall be apportioned by the board of supervisors of the proper county at the same time as the State taxes contained in said apportionment of the Auditor General, and shall be levied in the same manner as and become a portion of the county taxes for the same year, unless the said indebtedness shall have been paid to the State before October first: *Provided*, That such portion thereof (if any) as should be assessed to a particular township shall be apportioned to and assessed upon such township.

Auditor General to make record of State taxes to be raised.

To apportion among counties.

To transmit to county clerk statement of apportionment.

Statement of indebtedness to State.

Proviso.

SEC. 23. It shall be the duty of the township clerk of each township, on or before the first day of October of each year, to make and deliver to the supervisor of his township a certified copy of all statements and certificates on file and of all records of any vote or resolution in his office authorizing or directing moneys to be raised therein by taxation for township, school, highway, and all other purposes, together with a statement of the aggregate amount thereof, and such certified copies shall by such supervisor be delivered to the clerk of the board of supervisors of the county, on or before the second Monday of said month, and the same shall, by said county clerk,

Township clerk to deliver to supervisor statement of moneys to be raised.

be laid before the board at its annual meeting, and filed in his office.

Board of supervisors to apportion taxes among townships.

To examine statements showing moneys to be raised in townships.

To hear objections.

To authorize the correction of errors and omissions in records, etc.

May refer matters to prosecuting attorney.

Shall direct township, school, and highway moneys to be spread upon the roll. Such action to be entered upon records.

When clerk of board to make certificates of apportionment and for whom.

Proviso.

Assessment by supervisors.

Proviso.

To avoid fractions one per cent may be added.

How taxes to be entered in roll.

SEC. 24. The board of supervisors, at their annual session in October in each year, shall ascertain and determine the amount of money to be raised for county purposes, and shall apportion such amount and also the amount of the State tax, and indebtedness of the county to the State, among the several townships in the county, in proportion to the valuation of the taxable property therein, real and personal, as determined by them for that year, which determination and apportionment shall be entered at large on their records. They shall also examine all certificates, statements, papers, and records submitted to them, showing the moneys to be raised in the several townships for school, highway, and township purposes. They shall hear and duly consider all objections made to raising any such moneys by any taxpayer to be affected thereby. If it shall appear to the board that any certificate, statement, paper, or record is not properly certified, or that the same is in anywise defective, or that any proceeding to authorize the raising of any such moneys has not been had or is in anywise imperfect, and such certificate, statement, paper, record, or proceeding can then be corrected, supplied, or had, such board may authorize and require such defects or omissions to be corrected, supplied, or had. They may refer any or all such certificates, statements, papers, records, and proceedings to the prosecuting attorney, whose duty it shall be to carefully examine the same, and without delay report in writing his opinion to the board. They shall direct that such of the several amounts of money proposed to be raised for township, school, and highway purposes as shall be authorized by law, be spread upon the assessment roll of the proper township. Such action and direction shall be entered in full upon the records of the proceedings of the board.

SEC. 25. The clerk of the board of supervisors shall, immediately after the said apportionment, make out two certificates showing the amounts apportioned to each township for State, county, and the various township purposes, each tax being kept distinct, one of which he shall deliver to the county treasurer, and the other to the supervisor of the proper township: *Provided*, That if the county clerk fail to make such certificate, the supervisor shall take official notice of all the certificates, statements, papers, and records in the office of the county clerk relating to the levy of taxes in his township, and of the action of the board of supervisors thereon.

SEC. 26. Each supervisor shall proceed to assess the taxes apportioned to his township, according and in proportion to the valuations entered by the board of review in the assessment roll of the township for the year: *Provided*, That if the board of review make no such entry then on the valuation therein as entered by the supervisor. For the purpose of avoiding fractions in excess in such taxes, the supervisor may add to the several amounts to be raised not more than one per cent. Said excess shall belong to the contingent fund of the township. Such taxes shall be entered in separate columns as follows: All school taxes and the one mill tax in one column, highway taxes in another, township taxes in another, county taxes



in another, and the State taxes in another column, and if other taxes are at any time required to be raised they shall be placed in separate columns. The total of such taxes assessed against any one valuation or parcel of property, shall be footed up and carried out in the last column upon the right hand side of such roll. The taxes thus assessed shall become at once a debt to the township from the persons to whom they are assessed, and all personal taxes shall also be a lien on all personal property of such persons so assessed from and after the first day of December in each year and shall take precedence of any sale, assignment of or chattel mortgage, levy, or lien on such personal property executed or made after said first day of December, except where such property is sold in the regular course of trade. The amounts assessed on any real property shall, on the first day of December, become a lien on such real property, and the lien for such amounts, and for all interest and charges thereon, shall continue until payment thereof. Before the supervisor shall deliver such roll to the township treasurer, he shall carefully foot up the several taxes therein levied, and shall give to the township clerk of his township a statement thereof, and such township clerk shall immediately charge the amount of such taxes to the township treasurer.

Debt to the township.

Lien on personal property, when.

Lien on real property, when.

Taxes to be charged to township treasurer.

## OF THE TAX ROLL.

SEC. 27. The supervisor shall thereupon prepare a copy of the said assessment roll with the taxes assessed as hereinbefore provided, and annex thereto a warrant signed by him, commanding the township treasurer to collect the several sums mentioned in the last column of such roll, and to retain in his hands the amount receivable by law into the township treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of February then next; and the said warrant shall authorize the treasurer, in case any person named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person. The supervisor may make a new roll and warrant in case of the loss of the one given the township treasurer. The copy of the roll, with the warrant annexed, shall be known as the tax roll.

Assessment roll and warrant to the township treasurer.

Warrant to authorize distress and sale of property.

New roll and warrant.

SEC. 28. The supervisor of each township, on or before the fifteenth day of November in each year shall notify the township treasurer of the amount of State and county tax as apportioned to his township, and such treasurer, on or before the twenty-fifth day of November, shall give to the county treasurer a bond running to the county, in double the amount of State and county taxes, with sufficient sureties, to be approved by the supervisor of the township and the county treasurer, conditioned that he will pay over to the county treasurer as required by law all State and county taxes which he shall collect during his term of office, and duly and faithfully perform all the other duties of his office.

Supervisor to notify township treasurer, when.

Township treasurer to give bond, when and in what amount. To be approved by whom.

SEC. 29. The county treasurer shall file and safely keep such bond in his office, and shall give to the township treasurer a receipt stat-

To be filed and kept by county treasurer.

**Receipt for.** ing that he has received the bond required by the preceding section,  
**To be delivered** which receipt the township treasurer shall deliver to the supervisor  
**to supervisor,** on or before the first day of December.  
**when.**

**Supervisor to** SEC. 30. The supervisor, after the delivery of such receipt, and on  
**deliver tax roll** or before the first day of December, shall deliver to the township  
**to township** treasurer the tax roll of his township.  
**treasurer, when.**

**Duty of treas-** SEC. 31. On receiving such tax roll, the township treasurer shall  
**urer in collec-** proceed to collect such taxes. He shall remain in his office at some  
**tion of taxes.** convenient place in his township, on every Friday in December there-  
 after, from 9 o'clock A. M. to five o'clock P. M., to receive taxes:

**Proviso.** *Provided, however,* That he shall receive taxes upon any week day  
 when they may be offered. And on all sums voluntarily paid before  
 the first day of January of the succeeding year, he shall add one per  
 cent for collection fees, and upon all taxes paid on or after said first  
 day of January he shall add four per cent, but in no case shall more  
 than four per cent be charged as collection fees. In case he is  
 justly apprehensive of the loss of any personal tax, he may take  
 steps to enforce its collection at any time, and if compelled to seize  
 property or bring suit in December, may add four per cent for col-  
 lection fees.

**When taxes to** SEC. 32. All taxes shall be collected before the first day of Febru-  
**be collected.** ary, unless the time for collection is extended. The township board  
 of any township or the common council of any city may extend such  
 time not exceeding one month. No extension shall be granted by  
 the board of supervisors. When such an extension is made, the  
 township clerk shall immediately notify the county treasurer thereof.  
 In case of an extension, the warrant annexed to the tax roll shall  
 continue in force during the time extended, and the bonds of the  
 township treasurer shall not be invalidated by any such extension.

**Extension of**  
**time.**

**Township clerk**  
**to notify county**  
**treasurer of**  
**extension.**  
**Warrant to con-**  
**tinue in force.**  
**Bond not inval-**  
**idated.**

**When interest** SEC. 33. To all taxes paid on or after the first day of February  
**to be collected.** the township treasurer shall add and collect interest at the rate  
 hereinafter provided.

**Collection of** SEC. 34. For the purpose of collecting the taxes remaining unpaid  
**tax after first** on the first day of January, the township treasurer shall, during  
**day of January.** that month, call upon each person liable to pay such taxes person-  
 ally, if a resident of such township, or at his usual place of resi-  
 dence or business therein, and demand payment of the taxes charged  
 against him. If such person is not a resident of the township, but  
 resides within the county, and his residence is known to the  
 treasurer, he shall make such demand either personally or by mail.  
 If demand is sent by mail, the amount of the tax shall be stated and  
 the place and time where and when it may be paid. He shall give a  
 receipt for every tax paid, and shall enter the fact of payment and  
 the date thereof upon his tax roll. In case of any tax assessed  
 upon the shares of the capital stock of any bank he shall call upon  
 the cashier of such bank and demand payment thereof, and there-  
 upon it shall be the duty of such cashier to pay the same and charge  
 the amount so paid against the shares of stock so taxed.

**Collection by** SEC. 35. If any person shall neglect or refuse to pay any tax  
**seizure and sale** assessed to him, the township treasurer shall collect the same by  
**of property.** seizing the personal property of such person to an amount sufficient

to pay such tax, fees and charges for subsequent sale wherever the same may be found in the county, from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the tax and all charges, in the township where seized, at public auction, on giving public notice of the same for at least five days previous to the sale, by posting written or printed notices in three public places in the township where the sale is to be made, which sale may be adjourned from time to time if he shall deem the same necessary. If it becomes necessary to sell personal property which brings more than the amount of taxes and charges, the balance shall be returned to the person from whose possession the property was taken, except as hereinafter provided. If the property so distrained cannot be sold for want of bidders, the treasurer shall return a statement of the fact, and such tax shall be returned as unpaid. The township treasurer, if otherwise unable to collect a tax on personal property, may sue the person to whom it is assessed, in the name of the township, and garnishee any creditor or creditors of such person. The tax roll shall be *prima facie* evidence of the debt sought to be recovered.

Five days' previous notice.

Balance to be returned.

In what case to be returned as unpaid.

May sue and garnishee.

Tax roll *prima facie* evidence.

SEC. 36. In case of a distress and sale of goods and chattels for the payment of any tax, the township treasurer or other collecting officer may also collect on such sale one dollar and twenty-five cents over and above the tax, as his fees for making such sale, which fees and percentage hereinbefore provided shall be in full for his services in collecting such taxes; and in case payment of such tax shall be made after the distress and before the sale, it shall be lawful for such treasurer or collecting officer to require the payment of one dollar and twenty-five cents as his fee for making such distress, and to enforce payment of the same, if need be, by making the sale notwithstanding the tax shall have been paid. And whenever any personal property having been assessed to any person in any township or ward in this State, shall be removed therefrom before the taxes assessed thereon shall be collected, and there being no other personal property sufficient in said township or ward whereon the township treasurer or other collecting officer can levy and collect said taxes, he shall have full power, and it shall be his duty, to make a statement, duly certified by him to be correct and true, showing that personal property has been assessed to such person, naming him, the valuation thereof, the various taxes thereon, and the total thereof as appears from the roll in the hands of such treasurer, and that such property has been removed from such township or ward since the assessment thereof, and that the tax has not been paid; which statement shall be witnessed and acknowledged in the same manner as deeds of real estate are acknowledged, and shall be received in all courts and other places as evidence of the facts therein contained, without proof of its execution, and shall be *prima facie* evidence of the validity of the tax therein named against the person therein named, and shall be full and ample authority to the treasurer or other tax collector to whom it shall be sent to levy and collect the same in the same manner as other personal taxes are collected by him when spread upon his own roll. Such statement may be sent

Fees for selling property.

Fees for making distress in case of payment of tax after.

In case personal property is removed after assessment, township treasurer to make statement.

To be certified to.

Statement to show what.

To be witnessed and acknowledged.

*Prima facie* evidence of what.

Statement to be authority to treasurer to whom sent to collect tax.

May be sent to treasurer where person may have property.	to the township, or city treasurer, or other collecting officer of any township, or city in this State where the person against whom such assessment was made may have property, and the township treasurer, or other collecting officer to whom such statement shall have been transmitted, shall, upon receipt of the same, proceed to collect said taxes out of any property belonging to the owner of such property, so taxed as aforesaid, within his jurisdiction liable to be siezed for taxes, together with double collection fees therefor, and the further sum of twenty-five cents to defray the expense of transmitting the taxes so collected as hereinafter provided, and shall give his receipt therefor. The said township treasurer, or other collecting officer, shall thereupon transmit the taxes, and one-half of the collection fees so as aforesaid collected to the township treasurer, or other collecting officer, from whom he received such statement, and the latter shall, upon the receipt of said taxes and collection fees, mark the said taxes as paid upon his assessment roll, and the date of the receipt of the same, retaining the collection fees so received as aforesaid, as his fees in the matter of the collection of said taxes.
Duty of treasurer on receipt of.	
Double fees, etc.	
Receipt.	
To transmit taxes, etc.	
To mark taxes paid, date.	
Fees.	
Executions on judgment for taxes.	SEC. 37. Executions issued upon judgments rendered for any tax may be levied upon any property, without exemption, the same as though seized for sale under warrants issued for the collection of taxes by township supervisors, and collected in the same manner, in all other respects, as provided by law for the collection of judgments.
Surplus from sale of property and action for recovery of.	SEC. 38. Whenever a surplus arising from the sale of any property distrained for taxes shall be claimed in any legal proceedings by any other than the person for whose tax such property was sold and such claim shall be contested, either of the contestants may prosecute an action against the other, as for money had and received, and in such action the rights of the parties to such surplus shall be determined. For the purpose of such action, the defendant shall be deemed to be in possession of the surplus in the hands of the township treasurer, and upon the presentation to such treasurer of a certified copy of the final judgment rendered in such action, he shall pay over the same to the party recovering such judgment; and no township treasurer shall be liable to any claimant of such surplus, the right to which is contested as provided in this act, until he shall have refused to pay over such surplus, upon the production of a certified copy of a judgment as aforesaid. In any action brought pursuant to this section no other cause of action shall be joined nor shall any set-off be allowed; and if an execution issue on a judgment so rendered, it shall direct the costs only of such action to be levied by virtue thereof.
Treasurer to pay over on presentation of certified copy of final judgment.	
No other cause of action shall be joined nor set off allowed.	
Execution for costs.	
In what case new treasurer shall be appointed and by whom.	SEC. 39. In case any township treasurer shall neglect to give either of the bonds required, or shall die, or resign, or remove out of the township, or become unable to discharge the duties of his office, the township board shall forthwith appoint a new treasurer, who, on giving the required bonds, shall execute the duties of the office for the remainder of the year. The township clerk shall immediately notify the county treasurer of such appointment.
Town clerk to notify county treasurer of appointment.	SEC. 40. In case the township treasurer shall neglect or refuse to



file his bond with the county treasurer, in the manner and within the time prescribed by law, and the township board shall fail to appoint a treasurer who shall give such bond and deliver a receipt for the same to the supervisor by the tenth day of December, the supervisor shall deliver the tax roll with a warrant directed to the sheriff of the county, who shall, before he receives said tax roll, execute and deliver like bonds required of the township treasurer, and make like collections and returns, and shall be entitled to the same compensation allowed to the township treasurers, on all taxes so handed over to him for collection; and, for the purpose of collecting the same, shall be vested with all the powers conferred upon the township treasurer, and suit may be brought, on such sheriff's bond, under the same circumstances as on those of a township treasurer.

His bonds, compensation and powers.

Suit on bond.

SEC. 41. In case the township treasurer shall not collect the full amount of taxes required by his warrant to be paid into the township treasury, such portion thereof as he shall collect shall be retained by him, and paid out for the following purposes and in the following order, viz.:

Disposition of taxes by township treasurer when full amount not collected.

*First*, The amount raised for school purposes, to be paid on the order of the school district officers;

*Second*, The amount raised for the general township purposes, to be paid on the order of the township board;

*Third*, The amount of the highway taxes, to be paid on the order of the commissioner of highways.

SEC. 42. Any person may pay the taxes or any one of the several taxes on any parcel of land. He may pay under protest to the township treasurer, specifying at the time, in writing signed by him, the grounds of such protest, and such treasurer shall minute the fact of such protest on the tax roll and in the receipt given. The person paying under such protest may, within thirty days, and not afterward, sue the township for the amount paid, and recover if the tax is shown to be illegal for the reasons specified in such protest.

Payment of tax on one of several parcels.

Payment under protest, to be minuted on tax roll and receipt.

May bring suit within 30 days to recover tax.

Any person owning an undivided share, or other part or parcel, of real property assessed in one description, may pay on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel.

Payment on undivided share.

The person making such payment shall accurately describe the part on which he makes payment, and the receipt given, and the record of the receiving officer shall show such description and by whom paid. Any person having a lien on property may pay the taxes thereon, and the same may be added to his lien and recovered with the rate of interest borne by the lien. A tenant of real estate may pay the taxes thereon and deduct the same from his rent, unless there be an agreement to the contrary. Such payment may be made to the town treasurer while the tax roll is in his hands, or afterwards to the county treasurer or the State treasurer. The receipt given shall be evidence of such payment.

Description of property on which payment is made.

Person having a lien may pay taxes.

Tenant may pay and deduct from rent.

To whom payment may be made.

Receipt evidence of payment.

SEC. 43. Within one week after the time specified in his warrant, the town treasurer shall pay to the county treasurer all State and county taxes collected, except that from the State and county taxes

When town treasurer to pay taxes collected to county treasurer.



To retain certain for school purposes.

Proviso.

collected he may retain a sum sufficient to fill any deficiency in the sum collected for school purposes, but the amount so retained shall not exceed the total delinquent school taxes returned, and the county treasurer shall retain the amounts thus reserved out of the first moneys received by him from any township taxes: *Provided*, That the town treasurer of the township of South Manitou, in the county of Manitou, shall pay to the county treasurer such State and county taxes at any time on or before the first day of June next after the time specified in his warrant.

#### OF THE RETURN OF DELINQUENT TAXES.

Statement of delinquent taxes on real property.

On personal property.

SEC. 44. If the township treasurer shall be unable to collect any of the taxes on his roll assessed on real property, he shall make a statement of the same, with a full and perfect description of such property with the taxes upon each parcel thereof, which statement shall be verified by the affidavit of such treasurer, that such taxes remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels liable to pay such sums whereupon he could levy the same. The township treasurer shall also make a statement showing the taxes upon personal property remaining unpaid, and the names of the persons against whom assessed, and the amount against each; and in such statement shall set forth the amount of all moneys collected by him on account of taxes, which statement shall be verified by the affidavit of such treasurer, in which he shall state in substance that the sums mentioned in such statement as uncollected remain unpaid; that he has not upon diligent inquiry, been able to discover any goods or chattels belonging to the person liable to pay such sums whereupon he could levy the same; and that the amount of moneys collected by him upon such tax roll is truly stated therein.

County treasurer to compare statement with tax roll and add his certificate.

He may reject certain taxes.

SEC. 45. The county treasurer shall immediately compare such statements with the said tax roll, and if he finds the same to be correct, he shall add to each of them a certificate, showing that he has examined and compared such statements with the said tax roll, and found them correct, and shall file such statements in his office: *Provided*, That the county treasurer shall, at the time of making such comparison, and at no other time, reject any tax upon any lands which shall have been twice assessed, or upon any parcel which shall be so erroneously or defectively described that it cannot be ascertained.

County treasurer to give township treasurer receipt and statement.

SEC. 46. The county treasurer shall give to the township treasurer a receipt, stating the amount of moneys paid to him by such township treasurer, for which the township shall receive a credit on the books of the county treasurer, and he shall also give such township treasurer a statement of all taxes rejected by him, the amount of delinquent taxes returned, and the amount of any unpaid taxes on personal property, which receipt and statement shall be the vouchers of such township treasurer for the amounts specified therein.

Settlement with township treasurer to be endorsed on his bond, etc.

SEC. 47. The county treasurer shall thereupon endorse the fact of such settlement on the bond of the township treasurer, which endorsement shall operate as a discharge of the treasurer and his

sureties from the obligation thereof, unless the return of such treasurer is incorrect, in which case such bond shall continue in force, and such treasurer and his sureties shall be liable thereon for all damages occasioned by such incorrect returns; and the township treasurer shall immediately deposit his tax roll with the county treasurer, who shall file and preserve the same in his office, and which said roll, or a duly certified copy thereof, shall, for all purposes, in all courts, suits and proceedings, be taken, held and used as evidence, in the same manner and with like effect as the original roll. The county treasurer shall give the township treasurer a statement of all the personal taxes which remain uncollected, taken from the return of the latter, with a warrant authorizing him or his successor to collect them according to law, and thereafter the township treasurer or his successor shall have the same power to collect such taxes as under his original warrant.

Deposit of tax roll with county treasurer.

County treasurer to give township treasurer a statement of personal taxes uncollected.

SEC. 48. When any county treasurer shall receive from a township treasurer a statement of unpaid taxes, together with a list of the lands on which the same are delinquent, verified according to law, such county treasurer shall enter the same at length on the books in his office, provided for the purpose, and he shall make a transcript of all the descriptions of land returned as delinquent for unpaid taxes, except such as may have been rejected by him, which transcript shall be compared by the county clerk with the statement of the township treasurer, and if he finds it to be a true transcript thereof, he shall add to it a certificate that he has found it correct.

Statement of unpaid taxes, etc.

To be entered on books in county treasurer's office.

Transcript of delinquent taxes.

County treasurer's certificate.

SEC. 49. Such transcript, so made compared and certified, shall be forwarded by the county treasurer to the Auditor General, by the first day of March next after the return of such statement; but such transcript shall be receivable at any time during said month of March, and the Auditor General is hereby authorized, when in his judgment it may be deemed expedient, to extend the time in which said transcript shall be returned to him: *Provided*, That such transcript of statement from the township of South Manitou, in the county of Manitou, shall be receivable at any time before the tenth day of June next following said month of March.

Transcript to be forwarded to Auditor General when. Time may be extended.

Proviso.

SEC. 50. After the return of lands for unpaid taxes the county treasurer is authorized to receive the amounts due, and the board of supervisors in each county may authorize notice to be given to all delinquent tax-payers so far as known.

County treasurer authorized to receive unpaid taxes.

SEC. 51. The county treasurer shall issue duplicate receipts for all taxes received by him, which shall be countersigned by the county clerk, and one of said duplicates shall be left with such clerk who shall make an entry of the amount for which every such receipt was given, with the name of the person paying such tax, in a book to be provided for that purpose, and shall, on the first Monday of each month, forward all such receipts to the Auditor General. The provisions of this section shall apply to the redemption receipts and certificates provided for in section sixty-nine of this act.

Duplicate tax receipts. To be countersigned by the county clerk, etc.

Provisions to apply to redemption receipts, etc.

#### OF THE SALE OF LANDS FOR TAXES, AND THE CONVEYANCE AND REDEMPTION THEREOF.

SEC. 52. All lands returned to the Auditor General, as provided

Sale and redemption of lands.

Auditor General's statement of lands upon which taxes remain unpaid, etc.

To specify what. Sixty cents to be added.

Auditor General shall cause to be published list of certain unsold lands.

Notice of sale. Deeds to take effect when.

Interest.

Auditor General to cause statement to be published where and when.

Papers to be designated by Auditor General when.

by law, upon which the taxes, interest, and charges shall not be paid, or be charged back to the proper county, shall be subject to sale and redemption as hereinafter provided, and shall be sold in the same county from which they were returned, or in which the lands were situated at the time such taxes were assessed.

SEC. 53. On the first day of July of each year, or as soon thereafter as practicable, the Auditor General shall make out a separate statement of all such lands upon which the taxes shall have remained unpaid for one year or more from the first day of July next after their return to the Auditor General, in each of the respective counties, specifying the total amount of such taxes with interest computed thereon to the time fixed for the sale thereof extended separately against each parcel of land, and he shall include with and add to such total amount against each parcel sixty cents for the cost of advertising and other expenses of sale; and accompanying or preceding such statements the Auditor General shall cause to be published, as hereinafter shall be provided, a list of all lands not sold by the several county treasurers at the time prescribed by law, on account of error in advertising, or other cause, not affecting the legality of the assessment or requiring a rejection of the taxes thereon, and on which the taxes, interest, and charges still remain unpaid or not otherwise discharged for the taxes of any year prior to that for which the statements above mentioned are made up; also, a notice of sale by the county treasurer, of State tax lands; deeds given by the Auditor General or his deputy to purchasers at such sales, or their assigns, shall take effect according to the year's tax for which the deed may be given, the deed for the latest year's tax taking precedence; and the interest on such readvertised lists shall be computed at the same rate as in other cases, up to the time of the ensuing annual tax sales.

SEC. 54. The Auditor General shall cause each of such statements to be published in the county in which the lands therein described are situated, for four weeks successively next previous to the first Tuesday of October, in each year (which shall be construed to mean four publications, one each week), in one newspaper printed and published in such county, if there be one which shall have been established therein two months prior to the first day of July; and, in case there is no such newspaper printed and published in the county, such statement shall be printed and published in an adjoining county, if there be such newspaper established therein for the period aforesaid; but, if there is no such newspaper printed or published in the same or any adjoining county, such statement shall be printed and published in some other newspaper to be designated by the Auditor General.

SEC. 55. The newspapers in which such statements are to be published shall be designated by the Auditor General on or before the first day of August in each and every year, and not afterwards, unless the proprietor of any paper so designated shall fail to accept such designation before the fifteenth day of the said month of August, or shall neglect or refuse to print and publish such statement, or unless from some other cause it shall become impracticable;

in which case the Auditor General shall designate some other paper for that purpose before the time limited for commencing the publication.

SEC. 56. The proprietor of any paper accepting such designation shall transmit to each of the county treasurers one copy of each of the first two numbers of his paper containing such statement, and to the Auditor General two copies thereof during the whole time of such publication; for printing and publishing such statement and furnishing copies of his paper as herein required, and publishing the notices required by sections fifty-three, fifty-four, fifty-seven, and seventy-three of this act, he shall receive not to exceed thirty cents for each description of land so advertised; and no printer shall be paid for publishing any such statement who shall not forward to the Auditor General, within thirty days after the last publication thereof, an affidavit, made by some person to whom the facts are known, stating such publications, and also that he has transmitted to each county treasurer, by mail, copies of the first two numbers of his paper containing such statement immediately after their publication.

Proprietor of paper to transmit to treasurer and auditor copies of.

Price for printing not to be paid except on affidavit.

SEC. 57. The Auditor General shall annex to and cause to be published with each of said statements, a notice that so much of each tract or parcel of land described in said statement as will be necessary for that purpose will be sold by the county treasurer, on the first Tuesday of October next thereafter, at such public and convenient place at the seat of justice of the county as the county treasurer may select, for the payment of the taxes, interest, and charges thereon.

Auditor general required to publish a certain notice with statement.

SEC. 58. As soon after the twentieth day of September as shall be practicable, the Auditor General shall prepare and transmit to the several county treasurers, lists of all lands described in the respective statements on which the taxes, interest, and charges shall have been paid, which lands, together with all the lands whereon the taxes, interest, and charges shall have been paid to the county treasurer before the sale, shall be struck from the statement of lands advertised to be sold by the respective county treasurers, and shall be withheld from sale.

When auditor general to transmit to county treasurers lists of lands on which taxes are paid.

To be struck from statement advertised to be sold.

SEC. 59. On the day designated in the notice of sale, the several county treasurers, under the direction of the Auditor General, shall commence the sale of those lands on which the taxes shall not have been paid as aforesaid, and shall continue the same from day to day (Sundays excepted), until so much of each parcel thereof shall be sold as shall be sufficient to pay the taxes, interest, and charges thereon: *Provided*, That every description of land embraced in said notice which has been bid off to the State at a previous sale, and which remains unredeemed or otherwise disposed of, shall be bid off to the State by said county treasurers; and any sale made in contravention of this proviso shall be absolutely void and of no effect. In all cases when a description of land is offered as State tax land, and the same description or any part thereof shall be offered in the regular list of lands delinquent for taxes, it shall be the duty of the county treasurer to inform the person bidding for the description

When county treasurer to commence sale of lands, etc.

Proviso.

Sale void.

State tax land.

Regular list.

**In what case to decline bid.** offered as State tax land of the fact, and such person shall be required to purchase the description so offered in the regular list at the same time the description offered as State tax land is bid off by him; and, in case of his neglect or refusal so to do, the treasurer shall decline the bid of the person so refusing, but shall continue to offer such description as if no bid had been made thereon.

**Where less than the whole is sold, to be taken from north side.** SEC. 60. In case less than the whole of any parcel described in the statements aforesaid shall be sold for the taxes, interest, and charges thereon, the portion thereof sold shall be taken from the north side or north end of such parcel, and shall be bounded on the south by a line running parallel with the northerly line thereof, unless the same be an irregular fraction; in which case the portion thereof so sold shall be bounded on the south by a line running due east and west.

**Payment to be made within twenty-four hours.** SEC. 61. The county treasurers may, in their discretion, require immediate payment of any person to whom any parcel of such land shall be struck off; and in all cases where payment is not made in twenty-four hours, he may declare the bid canceled, and at his discretion sell the land again; and any person to whom any parcel of land shall be so struck off, neglecting for twenty-four hours after the close of such sale to pay to the county treasurer the amount of such

**Bid to be cancelled.** bid, shall forfeit to the State five times the amount of such bid, which amount may be recovered, in the name of the people of the State of Michigan, in an action of debt, in any court of competent jurisdiction.

**Forfeited for failure to pay bid.** SEC. 62. If any parcel of land cannot be sold to any person, for the taxes, interest, and charges, such parcel shall be passed over, for the time-being, and shall, on the succeeding day, or before the close of the sale, be re-offered; and if, on such second offer, or during such sale, the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same for the State: *Provided*, That from and after the passage of this act, if the treasurer of any county shall, for any reason, fail to offer the lands lying therein and advertised as for sale for delinquent taxes thereon, then so many of the lands so advertised as shall not be so offered for sale shall be considered and treated as if bid off for the State by the county treasurer, and shall be subject to redemption and sale, in the same manner, and within the same time as may be provided by law in the case of lands actually bid off for the State, as is provided in the first clause of this section.

**In what case county treasurer to bid off land for the State.** SEC. 63. All lands bid off for the State, as provided in the last preceding section, shall continue liable to be taxed in the same manner as if they were not the property of the State, and such taxes shall be a charge upon such lands.

**County treasurer failing to offer lands, they shall be treated as bid off for the State.** SEC. 64. The several county treasurers shall receive, on such sales, such funds only as shall at the time be receivable by law at the State treasury; and all moneys received at such sales shall be paid into the State treasury on or before the fifteenth day of November next after the time of such sale, and the expenses of advertising and sale shall be paid therefrom on the Auditor General's warrant, and the remainder shall be placed to the credit of the general fund as received.

**Lands bid off for the State shall continue to be taxed.**

**Funds receivable at sale, and how disposed of.**



SEC. 65. At the sale aforesaid the respective county treasurers shall give to the purchasers, on the payment of their bids, a certificate in writing describing the lands purchased, and the amount paid therefor, and such certificate shall be regularly numbered and a copy of each forwarded by the county treasurers to the Auditor General, in such manner as he shall direct.

County treasurer's certificate of sale.

Copy forwarded to Auditor General.

SEC. 66. On presentation of such certificate of sale to the Auditor General or his deputy, after the expiration of the time provided by law for the redemption of land sold as aforesaid, the Auditor General, or his deputy, shall execute to the purchaser, his heirs or assigns, a deed of the land therein described, unless the sale thereof shall have been redeemed or annulled as by law provided, which deed shall be *prima facie* evidence of the regularity of all the proceedings, from the valuation of the lands by the assessors to the date of the deed, inclusive, and of title in fee in the purchaser, and every such deed shall be witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases.

When Auditor General to execute deed on presentation of certificate.

Deed *prima facie* evidence of regularity of proceedings and of title in fee.

How witnessed and acknowledged.

SEC. 67. In the case of the loss of such certificate of sale, the purchaser, or his legal representative or assignee, may file his affidavit of such loss, and that he was, at the time of such loss, the *bona fide* and legal holder thereof; and the Auditor General, or his deputy, shall thereupon execute, as aforesaid, a deed for the lands described in such certificate, if the same shall not have been redeemed, in the same manner as though it had been presented and surrendered; and if the same shall have been redeemed, on the presentation of such affidavit, the money shall be paid to such person in the same manner as though the certificate of sale had been surrendered. Any person who shall make an affidavit as above required, or concerning any other matter which may be filed in the office of the Auditor General, shall be liable to the penalties of perjury for any false statement made in such affidavit with intent to defraud, upon conviction thereof, before a court having jurisdiction of the offense.

Loss of certificate affidavit of.

Auditor General to issue deed in such case.

Penalty for false affidavit.

SEC. 68. All lands heretofore offered for sale and bid in and still held by the State for delinquent taxes under the provisions of an act of the Legislature of this State entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved March fourteenth, eighteen hundred and eighty-two, shall be advertised and sold under the provisions of this act the same as if such lands were never offered for sale nor bid in by the State, but no part of the expense of advertising and selling such lands under said act of March fourteenth, eighteen hundred and eighty-two, shall be included in the charges and expenses of the sale contemplated by this section, and all lands heretofore assessed or returned as delinquent for non-payment of taxes thereon upon which no sale has been made, shall be sold under the provisions of this act, in the same manner and with like effect as if assessed and returned as herein provided, and the same presumptions of regularity and legality shall apply thereto, and all proceedings taken under said act from and including the assessment of such lands, and all lands

Lands bid in by the State to be sold the same as other lands.

Expense of advertising and selling under act of 1882, not to be included.

Assessment under act of 1862 legalized.

assessed thereunder, down to and including the return to the Auditor General, are hereby validated and declared legal and regular in all things; and the assessment of all personal property under said act, and all proceedings thereunder taken thereafter, for the levy and collection of the tax on such personal property, are hereby validated and declared regular and legal. And act number forty-two of the laws of eighteen hundred and seventy-one, entitled "An act relative to the construction of acts legalizing taxes, assessments, and tax and assessment rolls," approved March eighteenth, eighteen hundred and seventy-one, is hereby repealed.

Act repealed.

Redemption of lands sold for taxes.

SEC. 69. The owner or occupant of any land sold for non-payment of taxes, or any person having any interest therein or in any part thereof, may at any time, before the first day of October next succeeding the sale, redeem the same or any parcel of said land or any interest therein by paying to the State Treasurer, on the certificate of the Auditor General, or to the county treasurer, for the use of the purchaser, his heirs or assigns, the amount for which such land was sold, and all subsequent charges thereon authorized by law, with interest on the amount of purchase money at the rate of one per cent per month, or fraction thereof, from the date of such certificate, and all other taxes and charges thereon, imposed subsequent to such sale and paid by such purchaser or his assigns prior to such redemption, with interest thereon at the rate of one per cent per month, or fraction thereof, vouchers or other evidence of the payment of which shall have been deposited with the Auditor General or produced to such person seeking to redeem; but whenever any land sold for taxes shall be redeemed within six months after the sale thereof, interest shall be paid for six months. Any person having any interest in or lien on any land other than the person or persons whose duty it was to pay the taxes thereon, may at any time after such land is bid in to the State or sold for non-payment of taxes to any person having no lien on or interest therein, and before the time for redemption expires, pay to the State Treasurer, on the certificate of the Auditor General, or to the county treasurer, the amount of such taxes, together with the accrued costs, charges, and interest thereon, and thereupon he shall be entitled to a redemption certificate from the Auditor General or county treasurer, as the case may be, and such redemption certificate shall be a lien on such lands.

Vouchers.

Persons having lien may pay tax.

Entitled to redemption certificate.

Duplicate redemption certificates, how signed and disposed of.

SEC. 70. Upon the payment of the redemption money and interest to the county treasurer as aforesaid, he shall issue duplicate certificates of redemption in the usual form, both of which certificates shall be countersigned by the county clerk, who shall make an entry of the number of each certificate, the amount for which it was given, and the name of the person paying the same; one of which certificates shall be delivered to the person making the payment, and the other shall be transmitted by the county clerk to the Auditor General, on the first Monday in each month, in the same manner as is now required for the transmission of duplicate receipts.

Tenant in common may purchase.

SEC. 71. Any tenant in common shall have the same right to purchase the interest of any or all of his defaulting co-tenants in

lands sold for non-payment of taxes as if such tenancy in common did not exist.

SEC. 72. Whenever any lands returned to the office of the Auditor General shall have been sold for or on account of non-payment of taxes thereon, if the Auditor General shall discover, before a conveyance of said land is executed and delivered—

Proceedings in case of irregularity.

*First*, That the land so sold was not subject to taxation at the date of the assessment of the taxes for which it was sold; or,

*Second*, That the taxes had been paid to the proper officer within the time limited by law for the payment or redemption thereof; or,

*Third*, That such sale was in contravention of section fifty-nine of this act; or,

*Fourth*, That a certificate that no taxes were charged against said land has been given by the proper officer, within the time limited by law for the payment or redemption thereof, he shall withhold a conveyance of such lands, and shall on demand, cause the money paid therefor to be refunded to the purchaser, with interest thereon at seven per cent: *Provided*, That in the last mentioned case the person in whose behalf such certificate was given, shall, at the time of presenting such certificate to the Auditor General, pay to the State Treasurer, on the statement of the Auditor General, all taxes and charges due to the State upon such land at the time such certificate was issued. If the discovery is not made until after conveyance has been executed and delivered, a certificate of error may be issued in proper form for record, and the deed, if not recorded, shall be surrendered when the purchase money is refunded; if the deed has been recorded, the money shall be refunded on a recorded release from the holder of the tax title.

Provided.

SEC. 73. All lands heretofore bid off, or that may hereafter be bid off in the name of the State for taxes, which have not been disposed of prior to any annual sale, shall be again offered at such annual sale. The Auditor General shall furnish to each county treasurer a statement of all such lands in his county. Such statement shall exhibit the amount of the purchase price of each parcel, together with interest thereon at the rate of one per cent per month from the time the lands were bid in to the day fixed for the annual tax sale in the year in which they are to be offered. The Auditor General shall cause to be published for three weeks successively next previous to the day fixed for the annual tax sale, a notice that the lands described in such statement will be sold at public auction by the treasurer of the county in which such lands are situated, at the time and place designated for such annual sale. Such notice shall not describe the lands or state the amount of taxes and charges thereon.

Lands bid off by State to be resold, etc.

Statement to county treasurer.

Notice of tax sale.

SEC. 74. At the time designated in the notice, such county treasurer shall offer the lands embraced in such statement for sale to the highest bidder; but no bid shall be accepted unless equal to the amount chargeable against such land as set forth in said statement. The county treasurer shall, on payment of the purchase money issue certificates of sale to the purchasers in such form, and make such returns to the Auditor General as shall be prescribed by him,

Sale and certificate to purchasers.

Purchaser entitled to deed on presentation of certificate to Auditor General.

Lands purchased by State may be sold by Auditor General, etc.

Deeds to be executed by whom and when.

No sales to be made after list is sent, etc.

Sale to be subject to subsequent taxes.

Unlawful to remove logs, etc., from lands sold to the State for taxes.

Auditor General to issue warrant in such case.

Sheriff to seize logs, etc., and sell the same to pay tax.

State trespass agent to report to Auditor General.

Adjustment and settlement of accounts between State, county, and township.

and shall also transmit the moneys received to the State Treasurer, to be disposed of as taxes collected. Upon presentation by the purchaser of said certificate to the Auditor General, or his deputy, he shall be entitled to a deed of said land, which deed shall have the same force and effect as a deed issued under the provisions of section sixty-six of this act.

SEC. 75. All lands purchased in the name of the State at any tax sale shall be subject to sale at any time thereafter (except as herein provided), by the Auditor General for the purchase price and interest at the rate of one per cent for each month or part of a month. Deeds shall be executed by the Auditor General, or his deputy, to the purchaser on a certificate from the State Treasurer that he has paid the amount required. No sale of such lands shall be made by the Auditor General after he has sent the list of State lands to the county treasurer, until he receives returns of the sales made by such officer. Every such sale shall be subject to all taxes assessed and levied on such lands subsequent to the taxes for which the land was bid off in the name of the State, and the deed shall so state; such deed shall have the same force and effect as a deed made for lands sold at the annual sales as hereinbefore provided.

SEC. 76. It shall be unlawful for any person to cut or remove any logs, wood, or timber from any lands sold and bid in by the State of Michigan for the non-payment of taxes, while such taxes remain unpaid and the State remains the owner of such lands by virtue of such sale, and if any person shall cut or remove such logs, wood, or timber from such lands during the time aforesaid, the Auditor General or his deputy shall issue a warrant under his hand, in the name of the People of the State of Michigan, directed to the sheriff of the county where such lands are situated, giving therein a description of such lands, the amount of such taxes, with interest and charges thereon then remaining unpaid, commanding such sheriff forthwith to seize such logs, wood, or timber wherever the same may be found in any county in this State, and to sell the same or a sufficient quantity thereof to satisfy such taxes with the interest and charges thereon and the costs of such seizure and sale. The sheriff shall receive such warrant and execute the same, as therein directed, as in case of levy and sale on execution, and make return thereof with his doings thereon to the Auditor General, within sixty days after the receipt of the same and pay over all money collected thereon to the State treasurer. The Auditor General shall furnish the State trespass agent with lists or plats of land bid in by the State, and remaining unpaid, and the said trespass agent shall examine such lands and promptly report to the Auditor General all violations of the provisions of this section.

#### OF ACCOUNTS AND THE SETTLEMENT THEREOF.

SEC. 77. The accounts between the State, the county, and each township shall be adjusted on the basis of crediting and paying to each the taxes collected for each, with interest thereon. The county treasurer shall, on the first days of January, April, July, and October in each year, make a statement of the accounts between his county and the State, as they appear from the books and vouchers

in his office, and render the same to the Auditor General. At the same time he shall pay over to the State Treasurer all moneys in the county treasury collected for State taxes assessed in the several townships of his county. The county treasurer, at the time of rendering his accounts to the Auditor General, shall also make a statement of the accounts between the county and each of the townships therein respectively, and render the same to the township treasurer of the proper township. At the same time he shall pay over to the township treasurer the amount of all moneys in the county treasury belonging to such township, and notify the township clerk thereof. The Auditor General, on the first days of January, April, July, and October in each year, shall make a statement of the account between the State and each county respectively, and render the same to the county treasurer of the proper county, and draw his warrant on the State Treasurer payable to the county treasurer for all moneys in the State treasury collected for county, township, school, and highway purposes for the several townships of such county, and also all other moneys in the State treasury belonging to such county, and transmit such warrant to the county treasurer with the statement aforesaid, and notify the county clerk thereof.

SEC. 78. The Auditor General shall once in each month transmit to the treasurer of each county lists of lands therein upon which the taxes have been paid to the State treasurer, or which have been redeemed at his office, and also a list of the lands bid in, in the name of the State, which have been sold during the preceding month, and upon receiving such lists the county treasurer shall make the proper entries showing such payment, redemption, or sale. Where a sale has been made by the Auditor General, the county treasurer shall note the fact upon the book of tax sales.

List to be furnished monthly by Auditor General.

SEC. 79. To all taxes unpaid on the first day of February next after their assessment there shall be added interest at the rate of one per cent for every month or part of a month during which such taxes remain unpaid, and to all taxes returned to the county treasurer there shall also be added a collection fee of four per cent. Such interest and collection fee shall be collected with such taxes and the interest and taxes paid to the State, county, and township, in proportion to their several rights therein. The collection fee paid to the county treasurer shall belong to the general fund of the county, and that paid to the Auditor General shall belong to the general fund of the State. No other charges shall be added to any taxes voluntarily paid either to the township treasurer, the county treasurer, or the State treasurer, except the expense after it accrues under section fifty-three of this act.

Interest on unpaid taxes.

SEC. 80. All compensation of officers in the assessment and collection of taxes in townships and in the return of delinquent taxes to the county treasurer, except fees collected by township treasurers on their tax rolls, shall be paid by the township. All compensation of county officers and expense incurred by them under the provisions of this act shall be paid by the county, and the compensation of all State officers and expenses by them incurred or paid shall be paid by the State. Expenses made by the State

Compensation for assessing and collecting taxes, how paid.



officers shall be audited by the Auditor General and paid out of the general fund.

To whom losses chargeable.

SEC. 81. All losses that may be sustained by the default of any township officer in the discharge of any duty imposed by this act, shall be chargeable to such township. All losses by default of any county officer shall be chargeable to such county, and all losses by default of any State officer shall be chargeable to the State.

#### MISCELLANEOUS PROVISIONS.

Commissioner of Land Office to furnish lists of part-paid and homestead lands, when and to whom.

SEC. 82. The Commissioner of the State Land Office shall, during the month of March in each year, furnish to the several county treasurers a list of all part-paid State lands, and also of all licensed homestead lands that have been licensed for a term of five years and over, together with the date of each license and the name of the licensee, in their counties respectively, and such treasurers shall, on or before the tenth day of April next thereafter, cause to be delivered to the supervisor of each township effected thereby an accurate description of all such lands in his township, with the names of the persons holding the same.

County Treasurer to deliver to supervisor description of such lands.

County treasurer's bond to Auditor General.

SEC. 83. Every county treasurer shall, before entering upon the duties of his office, execute to the Auditor General a bond, in such sum as the said Auditor General shall direct, with three or more sureties, to be approved by the prosecuting attorney, judge of probate, and county clerk of the proper county, or any two of them and the Auditor General, conditioned that such treasurer, his deputy, and all persons employed in his office, shall render a just and true account of all moneys received by him or them belonging to the State, and that he or they shall faithfully and promptly pay to the State Treasurer all such moneys received as aforesaid according to law, which bond shall be filed in the office of the Auditor General. Whenever the Auditor General shall deem proper, he may require of the county treasurer a new bond with surety or sureties to be approved as aforesaid, and for such sum as he may deem necessary, and if any county treasurer from whom a new bond shall be so required shall not execute such bond within ten days after he shall have received notice of such requirement, such failure may be deemed sufficient cause for the removal from office of such treasurer.

New bond.

When Auditor General may employ some other person to conduct sale.

SEC. 84. In case the said county treasurer shall refuse or neglect to execute and file any such bond at the time and in the manner aforesaid, the Auditor General shall employ, in behalf of the State, some other person to conduct the sales of lands delinquent for taxes, and to receive payment therefor, under his direction, upon such person executing and filing with the said Auditor General a similar bond, with sureties as above mentioned, to be by him approved, conditioned for the faithful and prompt payment to the State Treasurer of all moneys which may come into his hands as the proceeds of such sale or otherwise, and a reasonable compensation for the services of such person shall be allowed and paid out of said proceeds.

When Auditor General may withhold land from sale, etc.

SEC. 85. If the Auditor General shall discover before the sale of any lands, as aforesaid, that for any reason they should not be sold, he shall cause the same to be withheld from sale; and if the error

originated with the township or county officers, the amount of such taxes shall be charged against the county from which the same were returned; if such error was made by township officers, the amount thereof shall be charged by the county treasurer to the township in which such error occurred. If there has been a change in the boundaries of the county or town in which the lands are situated after the return of such taxes, such rejected taxes shall be charged to the county to which the lands belong at the time of such rejection.

To what township or county error charged.

SEC. 86. The Auditor General shall prepare and forward to the county treasurer a statement of such rejected taxes, and a description of the lands upon which the same were assessed; and such county treasurer shall lay the same before the board of supervisors at their next session thereafter, and if such taxes shall have been rejected or charged back by the Auditor General, except for the reason that such land was not subject to taxation at the time of the assessment for such taxes, or that the taxes thereon had been paid, or that there had been a double assessment thereof, the board of supervisors shall cause the same to be reassessed upon the same land, and collected with the taxes of the then current year, and in the same manner.

Auditor General to furnish county treasurer statement of rejected taxes, etc.

County treasurer to lay the same before board of supervisors.

Supervisors shall cause to be re-assessed.

SEC. 87. If such taxes cannot be properly reassessed upon the same lands, the board of supervisors shall cause the same to be reassessed upon the taxable property of the proper township.

Re-assessment.

SEC. 88. It shall be the duty of the board of supervisors to furnish to the Auditor General a list of all taxes which shall have been rejected or charged back to their county by him, upon lands which shall have been detached from such county subsequent to the time when such taxes were assessed, and the Auditor General shall thereupon credit to such county the amount which he may have so charged back, and charge the same to the county in which such lands may be then situated: *Provided*, Such taxes shall not have been previously paid or reassessed. Any person having an interest in land returned to the Auditor General for unpaid taxes may, at any time before the sale, file with the Auditor General a petition asking that the taxes assessed to said land be rejected as illegal. The petition shall fully set forth the grounds of such illegality, and shall be verified. The Auditor General may take any necessary step to ascertain the truth of the matters stated in such petition, and may, in a case where the tax was paid, or the land twice assessed and once paid, or the land not liable to assessment, reject the same.

Board of supervisors to furnish Auditor General list of taxes rejected, etc.

Duty of Auditor General therein.

Person interested may file petition asking that the taxes be rejected.

Auditor General may reject tax for cause.

SEC. 89. No tax assessed upon any property, or sale therefor, shall be held invalid on account of any irregularity in any assessment, or on account of any assessment or tax-roll not having been made or proceeding had within the time required by law, or on account of the property having been assessed without the name of the owner, or in the name of any person other than the owner, or on account of any other irregularity, informality, or omission, or want of any matter of form or substance in any proceeding that does not prejudice the rights of the person whose property is taxed; and all proceedings in assessing and levying taxes, and in the sale and convey-

Taxes not to be held invalid on account of irregularities.

All records,  
etc., prima facie  
evidence, etc.

Validity of pro-  
ceeding not  
affected by  
absence of  
record.

Not invalid.

School board  
signing by.

For what reason  
tax to be held  
illegal.

All deeds may  
be given in  
evidence.

Prosecuting  
attorney to give  
counsel to  
treasurer, etc.

ance therefor, shall be presumed to be legal until the contrary is affirmatively shown. All records, statements, affidavits, and certificates herein provided for, shall be *prima facie* evidence of the facts therein set forth. The absence of any record of any proceeding, or the omission of any mention in any record of any vote or proceeding, or of mention of any matter in any statement or certificate that should appear therein under the provisions of any law of this State, shall not affect the validity of any proceeding, tax, or title depending thereon, provided the fact that such vote or proceeding was had or tax authorized is shown by any other record, statement, or certificate made evidence by the terms of this act or any other law of this State. No tax, or sale of property for any tax, shall be rendered or held invalid by showing that any record, statement, certificate, affidavit, paper, or return cannot be found in the proper office; and unless the contrary is affirmatively shown, the presumption shall be that such record was made, and such certificate, statement, affidavit, paper, or return was duly made and filed. Where any statement, certificate, or record is required to be made or signed by a school district board or township board, such statement, certificate, or record may be made and signed by the members of such boards, or a majority thereof, and it shall not be necessary that other members be present when each signs the same.

SEC. 90. In any suit or proceeding to enforce or set aside any tax, such tax shall be held illegal only for one of the following reasons:

*First*, That no law authorizes such tax;

*Second*, That the person or persons appointed to decide whether a tax shall be raised under a given law have acted without jurisdiction, or have not imposed the tax in question;

*Third*, That the person or property assessed was exempt from the taxation in question, or was not assessed;

*Fourth*, That the tax has been paid;

*Fifth*, That the supervisor or board of review, in assessing a person or property for taxation, or in the apportionment of the tax to the person or property in question, acted fraudulently;

If any such illegality, omission, or fraud affects the amount of the tax only, the tax shall be sustained so far as the same is just and legal.

SEC. 91. In the prosecution or defense of any action or proceeding by any person holding or claiming land under any deed or deeds of lands purchased for delinquent taxes, the party so claiming, under and by virtue of such purchase may show his title to said land and premises, whether the same was derived under one or more purchases, and may give in evidence any and all deeds of conveyance or other evidence of such purchases as aforesaid, which he may at any time have received, and may claim title under any or all of them.

SEC. 92. It shall be the duty of the prosecuting attorney of each county to give his counsel and advice to the county treasurer, the township treasurers, and the supervisors of the county, whenever they or any of them may deem it necessary, for the proper discharge of the duties imposed upon them in this act, free of charge.

SEC. 93. In all cases of sale of land for taxes, if the purchaser or

his assigns shall die before a deed shall be executed on such sale, the deed may be executed by the Auditor General, to and in the name of the deceased person, if such deceased person being still alive would be entitled to a deed; which deed shall vest the title in the heirs or devisees of such deceased person, in the same manner, and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed may issue to the assignee thereof, and in like cases which have heretofore occurred the same rule shall apply, and all deeds heretofore issued in the name of any person deceased who if living at the time of the execution thereof would have been entitled thereto, shall have like effect as above provided.

Deed in case of death of purchaser.

Executor, etc., may assign certificate of purchase and the deed be executed to assignee.

Deed issued to deceased person.

SEC. 94. The county treasurer shall at the same time when he makes his return of delinquent lands to the Auditor General make a similar return to the State Land Office of all homestead and part-paid State lands, the fee of which is in the State, the taxes upon which have not been collected, with a statement of the amount thereof. The Commissioner of the State Land Office shall provide suitable books, and enter in the same the description of every parcel of land so returned to his office, and the taxes thereon. The person holding such interest in any parcel of said lands shall, on or before the first day of July following such return, pay to the State Treasurer the taxes assessed thereon, with interest at the rate of one per cent per month from the first day of February last preceding; and in default thereof the certificate of purchase of such parcel shall become void and such land shall be subject to sale and redemption in the same time and manner as lands forfeited for non-payment of interest; and no patent shall be made of such lands until all taxes thereon are paid.

County treasurer's return to the land office of homestead lands, etc.

Duty of the Commissioner of the Land Office.

Taxes and interest to be paid when, or certificate of purchase to become void.

No patent to be made until tax is paid.

SEC. 95. The Commissioner of the State Land Office shall, on or before the first day of May and November in each year, make out and furnish to the Auditor General a statement containing a description of the lands upon which the taxes have been paid, and the amount of such payments, and shall at the same time transmit to each county treasurer a copy of such statement so far as the same relates to his county. The Auditor General shall credit to each county its proper part of such taxes, and the county treasurer shall credit each township with its share of such amount.

Commissioner of the Land Office to furnish Auditor General statement.

Also county treasurer.

Duty of Auditor General and county treasurer.

SEC. 96. If any person dispossessed of lands purchased in pursuance of the provisions of this act shall have made improvements thereon, he shall be entitled to recover what such improvements are worth, and shall have a lien on such lands therefor, and may enforce the same by bill in equity where no other provision is made by law.

Improvements may be recovered and shall constitute a lien.

SEC. 97. In case of the organization of a new county after the time for making the assessment roll, and prior to the return of the township treasurer, such new organization shall in no way affect the assessment, collection, or return of taxes for that year, or any lands attached to the new county. No division of a township after the time for making the assessment roll, and prior to the return of the

Collection of taxes when new county is organized or township divided.

township treasurer, shall in any way affect the assessment, collection, and return of such taxes; but such taxes shall be assessed, collected, and returns made as though there had been no such division. If lands are detached from any county after the taxes thereon are returned to the Auditor General, and any such taxes are afterward rejected or set aside, the county from which they are detached shall receive credit, and the county to which they are attached shall be charged, as may be proper under the provisions of this act.

New certificate  
or deed to  
supply loss.

SEC. 98. If any certificate of sale shall be lost or destroyed, on satisfactory proof being made, the county treasurer may make a new certificate showing the sale. It shall have the same force and effect as the first certificate. The Auditor General shall execute a second deed of lands conveyed, as herein provided, in all cases in which he shall be satisfied, by sufficient proof, that the original deed and record thereof has been lost or destroyed, which said deed shall declare upon its face that it is a second deed, and shall be executed to the same party only as the first and shall recite the loss or destruction of the former deed and its date if possible. Such deed shall inure to the benefit of the grantee in the first deed, his heirs or assigns, as the case may be, and shall have the same force and effect as said first deed. Before the execution of such deed the party applying therefor shall pay to the State Treasurer the sum of fifty cents.

Payment of  
delinquent  
taxes to county  
or State Treas-  
urer.

SEC. 99. The taxes on any lands returned as delinquent may be paid to the county treasurer at any time prior to the sale, or to the State Treasurer at any time before the twentieth day of September next preceding the annual sale by the county treasurer, and not thereafter.

Act to apply to  
cities and  
villages.

SEC. 100. This act shall be applicable to all cities and villages where not inconsistent with their respective charters. With such exception the provisions herein as to supervisors, township treasurers, and boards of review shall include all assessing and collecting officers and all boards whose duty it is to review any assessment roll.

Construction of  
word township.

The word township may include city, ward, or village. When by the charter of any city or village, delinquent taxes or assessments are returned with other taxes to the county treasurer, such city or village shall not be entitled to payment of or credit for the same until the money has been received, notwithstanding anything in their respective charters to the contrary: *Provided*, That in any incorporated city the charter of which does not provide for a board

Proviso.

Board of review  
to consist of  
whom in cities  
where no pro-  
vision is made.

of review, such board shall consist of the several supervisors or other officers making the assessment, the city attorney, and additional members to be appointed by the common council (who shall not be aldermen), equaling the number of supervisors or assessing officers.

To meet when  
and where.

The session of said board of review shall be held at the council room on the same days as designated for the meeting of the township board of review, and the proceedings thereof conducted as near as may be in the same manner. Said board shall elect a chairman and clerk, who shall certify to the correctness of the several assessment rolls when completed, substantially in the form prescribed in section nineteen of this act. The appointed members



of said board of review shall, within ten days after appointment, take the constitutional oath of office, which shall be filed in the office of the city recorder or clerk. Oath of office.

SEC. 101. The authorities of any city or village, the charter of which does not so provide, may provide by ordinance for the return of all unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers. The taxes thus returned shall be collected in the same manner as other taxes returned. Return of unpaid taxes to make provision for. How collected.

SEC. 102. When an officer is authorized to do any act, his deputy shall have the same authority and such officer shall be responsible for the acts of his deputy. Deputies authority, etc.

SEC. 103. Supervisors shall be allowed, for their services in assessing property, making tax rolls, and for extending taxes thereon, at the rate of two dollars for each day actually and necessarily spent in making the same; the members of the board of review shall be paid at the same rate per day for each day actually and necessarily spent in the attendance upon the board, the accounts for such services shall be verified, audited, and paid as other township expenses. County officers shall be paid for services under this act by salary or otherwise as the board of supervisors shall determine: *Provided*, That the city of Detroit shall be exempted from the provisions of the last clause of this section, and the common council shall have power to fix and determine the compensation of the city assessor thereof. Compensation of supervisors and boards of review. Compensation of county officers.

SEC. 104. In all cases where lands sold for taxes have been conveyed by deed and the title has been annulled or held to be defective, either in a court of law or equity, for any cause not the fault of the grantee in such tax deed or any one claiming under him, the Auditor General shall, on presentation of a certificate of the judge or judges before whom such suit has been finally determined, showing that such title has been annulled, or held to be defective, refund to the holder of such invalid title the amount for which said land was sold, with interest thereon as the law requires, and draw his warrant therefor on the State Treasurer, and certify the fact to the proper county treasurer. If the error originated with the township or county officers, the proper amount shall be charged back to the county. In what case purchase money, etc., to be refunded. To be certified to the proper county, etc.

SEC. 105. Such money, when paid by the State Treasurer, shall be refunded to the State treasury by the proper county, and in any action of ejectment brought by the owner to recover such lands the State shall not be liable to costs. Such money to be refunded to the State by the county, etc.

SEC. 106. The township treasurer, with the consent of the township board, may appoint a deputy who shall possess all the powers and may perform all the duties of the treasurer. Such township treasurer and his bondsmen shall be liable for the acts and defaults of such deputy treasurer. Such deputy shall be paid by the treasurer. Township treasurer may appoint a deputy.

SEC. 107. If at any time it shall be discovered that the treasurer of any township has received the tax assessed upon property which he has returned delinquent, the supervisor shall have power, and he Collection of taxes paid but returned delinquent.

is hereby required to collect the same, in the name of his township, from such treasurer or his sureties, together with interest and charges. No injunction shall issue to stay proceedings for the assessment or collection of taxes under this act.

No injunction to issue.

Penalty for assessing property at more or less than cash value.

SEC. 108. If any supervisor or other assessing officer of any township or city shall willfully assess any property at more or less than what he believes to be its true cash value he shall be guilty of a misdemeanor, and on conviction thereof he shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding three hundred dollars, at the discretion of the court. If any board whose duty it is to review the assessment of an assessing officer shall willfully assess property at more or less than its cash value, the members voting in favor of such action shall severally be guilty of a misdemeanor, and on conviction shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding three hundred dollars, at the discretion of the court.

Penalty for failing to make proper entry and return of payment of tax.

SEC. 109. If any officer to whom any tax is paid shall fail to make proper entry and return of such payment, he shall be liable to any person injured for the full amount of the injury, and if such failure is willful he shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment in the county jail not more than six months, or by fine not more than three hundred dollars.

False swearing, perjury.

SEC. 110. Any person who, under any of the proceedings required or permitted by this act, shall willfully swear falsely, shall be guilty of perjury and subject to its penalties.

Willful neglect to perform duty a misdemeanor, penalty.

SEC. 111. Any officer who shall willfully neglect or refuse to perform any of the duties imposed upon him by this act shall, when no other provision is made herein, be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding three hundred dollars, in the discretion of the court, and shall be liable to any person injured thereby to the full extent of the injury sustained.

Cashier neglecting, etc., to file, list of stockholders, a misdemeanor, penalty.

SEC. 112. If the cashier of any bank shall willfully neglect or refuse to make and file in the office of the county clerk, a list of the names of the stockholders, the amount of stock held by each, and their respective residences, as provided in this act, or shall willfully make and file any false entry or statement in any such list, he shall be guilty of a misdemeanor and on conviction be punished by fine not exceeding three hundred dollars.

Person having lien, may pay taxes, etc., thereby creating additional lien.

SEC. 113. Any person who has a lien upon any lands returned for non-payment of taxes, may pay the taxes, interest, and charges thereon; and the receipt of the county treasurer or State Treasurer therefor, duly countersigned, shall constitute an additional lien on such lands, to the amount therein specified; and the amount so specified shall be collectible, with interest thereon, in the same manner as the original lien.

Holder of tax certificate entitled to injunction to restrain waste.

SEC. 114. The holder of any tax certificate shall at any time after its issue, have the right to an injunction to restrain waste on any of the lands described in such tax certificate, where such lands are

chiefly valuable for timber, and the circuit court in chancery of the county in which such lands are situated shall have jurisdiction to grant such relief on bill or petition where no other relief is sought.

SEC. 115. The right to recover possession of any land by any person claiming through or under any deed executed by the Auditor General by virtue of the provisions of this act shall be forever barred by the actual, open, and continuous possession of any person claiming such land adversely to such tax deed for the period of five years after the execution of such tax deed: *Provided*, That if the person claiming through or under such tax deed shall have once taken actual and peaceable possession of such land, by virtue of his deed, and shall have continued in such actual possession for five years next thereafter, then the provisions of this section shall not apply, but in such case he shall be conclusively deemed the owner in fee simple of such land.

Right to recover barred by five years possession.

Proviso.

SEC. 116. No person shall bring or maintain any action for the recovery of any land or the possession thereof or make any entry thereupon, unless such action is commenced or entry made within five years after the right to make such entry or to bring such action shall have first accrued to the plaintiff or to some person through whom he claims when the defendant claims title under a deed made by the Auditor General in pursuance of the provisions of this act.

Action for the recovery of must be brought within five years.

SEC. 117. The limitation for bringing actions in the last two preceding sections shall not apply to any person who shall be a minor, nor to idiots and insane persons, but such minor may bring such action or actions after the time limited, at any time during his minority and within one year thereafter; nor shall such limitation apply where the taxes for the non-payment of which the land was sold and the tax deed executed were paid prior to the sale, or where the land was redeemed from the operation of such sale as provided by law, nor where the land was not liable to taxation.

Not applicable to minors, etc.

SEC. 118. Any tax deed issued by the Auditor General by virtue of the decree of any circuit court in chancery, in pursuance of the provisions of an act entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved March fourteenth, eighteen hundred and eighty-two, shall be deemed to have transferred to the grantee therein the lien of the State on the land described therein for the amount of the consideration expressed in such deed, and such deed, for such amount, with interest, is hereby declared a lien on the land embraced therein, and any person claiming title through or under any such tax deed may at his option at any time within two years after this act takes effect, but not afterwards, treat the title so acquired by him through or under such tax deed as such lien on such land for the amount of the consideration expressed in such deed, with interest, by commencing a suit in chancery in the county where such lands are situated to enforce the same: *Provided*, That the complainant shall allege in his bill of complaint the facts and show the amount of each tax for the non-payment of which the land was sold and such deed issued, and shall also briefly set forth in such bill that he waives any claim of title in fee to such land under such deed, except as he

Auditor General's deed under act of 1882, to be a lien for two years.

Complainant to allege what, etc.

Deed to be discharged of record.

To have priority.

Laws and rules pertaining to foreclosure of mortgages in chancery so far as applicable apply.

The sale, etc., to be the same as in foreclosure of mortgage.

Deed to be conclusive against defendant, etc.

Appeals may be taken to Supreme court.

Proceedings presumed to be regular.

Defendant must prove what.

Tax to be sustained so far as legal.

may acquire by purchase under any sale made of such land under any decree to be made in such suit so commenced by him. And if such deed shall have been recorded, such person claiming through or under it shall discharge the same of record, the same as in the case of a mortgage. The lien of such deed shall have priority of any and all mortgages, liens, levies and incumbrances upon or conveyances of such land, except liens held by the State on such lands bid in by it for the non-payment of taxes during any previous year, but shall also be subject to all taxes, tax liens, and tax deeds, levied, created, or made subsequent to the time when the tax was assessed and levied for the non-payment of which the deed, under or through which the complainant claims, was issued.

SEC. 119. All the laws and rules relating to the foreclosure of mortgages in chancery as to the persons necessary and proper to be made parties, the service of the subpoena and the bringing of the defendants into court, as to pleading and evidence, the decree of foreclosure sale thereunder, placing the purchaser or purchasers in possession by a writ or writs of assistance, the right of the complainant to be subrogated to the benefit of all liens upon the premises by him necessarily satisfied in order to save the lien of his deed, the right of the defendants or any of them, to redeem the premises at any time before sale, and as to costs and disbursements, including the necessary expenses of an abstract of title, shall, so far as they are applicable, prevail in such suits. The sale in such suits shall be conducted, the report made and confirmed, and a deed thereon executed and delivered in like manner and with like effect as in cases of suits for foreclosure of mortgages in chancery. The deed executed to the purchaser by the circuit court commissioner, after confirmation shall be conclusive against all the defendants and against any person claiming through or under any or all of said defendants whose conveyance is not recorded in the registry of deeds of said county at the time of the filing of *lis pendens* by the complainant in said cause.

Appeals may be taken to the supreme court as in other chancery cases. SEC. 120. In all suits to enforce the lien of any such tax deed in chancery, it shall not be necessary for the complainant to allege or prove any act or proceeding upon which the issuing of such tax deed was based or authorized, but all such acts and proceedings from and including the assessment of the land described in such deed, down to and including the issuing and delivering thereof, shall be presumed to be regular, valid, and just. The defendant, in order to defeat the lien of such deed, shall be required to prove, either that no law authorizes such tax, or that the person or persons appointed to decide whether a tax shall be raised, under a given law, have acted without jurisdiction, or have not imposed the tax in question, or that the person or property assessed was exempt from the taxation in question, or was not assessed, or that the tax has been paid, or that the supervisor or board of review, in assessing a person or property for taxation, or in the apportionment of the tax to the person or property in question, acted fraudulently. If any such illegality, omission, or fraud affects the amount of the tax only, the tax shall be sustained so far as the same is just and legal. The court

shall correct all mistakes which the defendant shall show to have been made to his prejudice, and shall make such decree as shall be just and equitable. But if any part of the lien of said tax deed on the land therein described, or on any part thereof, shall be found by the court to be valid, or just and equitable, the complainant shall, in such suit, be entitled to a decree therefor with full costs.

Court shall correct mistakes.

When complainant shall be entitled to decree and costs.

SEC. 121. In all such suits to enforce the lien of a tax deed in chancery, the complainant shall be entitled to the following solicitor's fee in addition to the costs allowed by rule of court as follows: Where he obtains a decree *pro confesso*, twenty-five dollars; where the defendant redeems after the filing of the bill and before appearance, twenty dollars; where decree is obtained on demurrer or bill and answer or on pleadings and proofs, or where defendant redeems after proofs are wholly or partly taken, thirty-five dollars. But this shall not be construed to allow the complainant any solicitor's fee provided by rule of court. Any decree and taxed costs so obtained by the complainant shall draw interest at the rate of seven per cent per annum. Such decree shall have all the force, effect, and conclusiveness of a decree in chancery on the foreclosure of a mortgage. The circuit court in chancery of the county in which such land is situated shall have full jurisdiction in all suits to enforce such liens regardless of the amount involved.

Solicitor's fee.

Interest.

Circuit Court in Chancery to have jurisdiction.

SEC. 122. In any suit to enforce such lien, either party shall have the right to an examination of the witnesses in open court as in a suit at law to be demanded in the manner prescribed in other chancery cases, and either party shall also be entitled to the right to a jury, and the verdict of such jury on any question of fact shall have the same force and effect in the circuit court in chancery and in the supreme court on appeal as the verdict of a jury in an action at law and shall not be set aside or disregarded except for the same reasons that the verdict of a jury in a court of record in an action at law would be set aside or disregarded. Whenever a jury is demanded in any suit to enforce the lien of such tax deed, an issue or issues shall be framed under the direction of the court to be submitted to such jury. The right to such jury shall be deemed to be waived unless demanded in writing, such demand to be filed with the register in chancery within ten days after the cause is at issue. No defendant shall be entitled to demand a jury after the expiration of ten days from the time the cause is at issue as to him. In all cases where a jury is demanded the cause shall be heard in open court: *Provided*, That if any person claims any interest in the lands described in such tax deed, or in any part thereof in opposition to such tax deed, he may deposit the amount of the consideration of such tax deed, with interest and costs, if any have been made to the time of such deposit, including the proper fee to discharge such tax deed, with the county treasurer of the county in which such lands are situated, for the use of the person claiming through or under such tax deed and from and after such deposit, the lien of such tax deed shall be discharged: *Provided further*, That before the person for whom such deposit is made, shall be entitled to receive the same from the county treasurer, he shall discharge such tax deed of record in the proper county.

Right of examination of witnesses in open court.

Right to a jury.

Verdict.

Issue to be formed.

Demand for jury to be made when.

To be heard in open court.

Proviso.

Depositing consideration of deed, etc., discharges lien.

Must discharge deed of record.



Auditor General  
to cause act to  
be printed.

To be distrib-  
uted to whom.

Acts repealed.

SEC. 123. The Auditor General shall, from time to time, whenever he shall find it necessary, cause to be printed at the expense of the State, a sufficient number of copies of this act, with such forms of proceeding under the same as may be necessary and proper, to furnish one copy to each supervisor, township treasurer, township clerk, and county clerk, and three copies to each county treasurer, and shall transmit to each county treasurer, at the expense of the county, a sufficient number for such county; and every county treasurer receiving such copies shall immediately transmit to the township clerk of each township five copies, to be distributed by him to the officers entitled thereto.

SEC. 124. All acts or parts of acts in anywise contravening any of the provisions of this act are hereby repealed, but such repeal shall in no manner affect any rights which may have accrued under such acts or parts of acts.

This act is ordered to take immediate effect.

Approved June 9, 1885.

[No. 154.]

AN ACT to provide for the incorporation of associations to engage in the business of breeding and raising blooded stock.

Five or more  
persons may  
incorporate.

SECTION 1. *The People of the State of Michigan enact*, That any five or more persons may associate themselves together as a body corporate for the purpose of engaging in the business of breeding blooded stock; and which corporations shall, so far as the same are applicable, be subject to the general statutory provisions of this State relating to corporations.

Articles of  
association.

SEC. 2. Such persons shall execute and acknowledge articles of association in which shall be specified:

*First*, The name of the association;

*Second*, The capital stock and the number of shares into which the same shall be divided;

*Third*, The place in this State where the principal business office of the corporation shall be located;

*Fourth*, The term for which the corporation is organized, not exceeding thirty years.

Where to be  
filed.

SEC. 3. The said articles of association shall be filed with the Secretary of State and a copy thereof recorded in the office of the county clerk of the county where the principal business office of the corporation is established, and thereupon the said association shall be a body corporate under the name mentioned in said articles of association.

Limitation as to  
real estate.

SEC. 4. Corporations organized under this act shall only hold such real estate as may be necessary to enable them to carry on their business and as shall be actually occupied by them in the exercise of their franchises.

Annual report.

SEC. 5. Every such corporation shall annually, in the month of January, make a report, signed by a majority of the board of direct-

ors, and verified by the oath of the directors signing the same; which said report shall contain:

*First*, The amount of capital stock actually paid in;

*Second*, The amount invested in real and personal estate;

*Third*, The amount of its ~~assets~~ and liabilities;

*Fourth*, The name of each stockholder, and the number of shares held by him at the date of such report.

Such report shall be filed with the secretary of the association, and also in the office of the county clerk of the county in which the office of said corporation shall be located, and shall be open at all reasonable times for the examination of any and every stockholder. When to be filed.

Ordered to take immediate effect.

Approved June 9, 1885.

[No. 155.]

AN ACT to amend section eight of chapter one hundred and seventy-nine, of the compiled laws of eighteen hundred and seventy-one, being compiler's section fifty-five hundred and thirty-two, relative to criminal proceedings before justices of the peace.

SECTION 1. *The People of the State of Michigan enact*, That section eight of chapter one hundred and seventy-nine of the compiled laws of eighteen hundred and seventy-one, being compiler's section fifty-five hundred and thirty-two, relative to criminal proceedings before justices of the peace, be and the same is hereby amended so as to read as follows: Section amended.

(5532) SEC. 8. After the joining of issue, and before the court shall proceed to an investigation of the merits of the cause, and the accused shall not have waived his right to a trial by jury; thereupon the court shall direct the sheriff, or any constable of the county, to make a list in writing, of the names of eighteen inhabitants of the county, qualified to serve as jurors in the courts of record in this State, from which list the complainant and accused may each strike out six names: *Provided*, That no such officer shall make out said list if he be complainant in said cause, or in anywise interested, nor shall the jury consist of less than six persons. When accused has not waived right to jury trial.

Approved June 9, 1885.

[No. 156.]

AN ACT to prevent accidents by line shafting used on fair grounds or other public places where machinery is running on exhibition.

SECTION 1. *The People of the State of Michigan enact*, That all shafting put up for the running of machinery on exhibition in this State, where the public are invited to assemble, shall be so put up as to prevent any person or persons coming in contact with the same. Certain shafting to be protected so as to prevent persons from coming in contact with.

Penalty for non-compliance.

SEC. 2. Any person or persons using shafting as named in section one of this act, who shall refuse or neglect to comply with the same before setting said shafting in motion for exhibition, shall be guilty of a misdemeanor, and on conviction thereof shall pay a fine not exceeding one hundred dollars and costs of prosecution, or imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court; and any company, corporation or individual shall also be liable for all damages which shall be sustained by any person by reason of such refusal or neglect.

Approved June 9, 1885.

[No. 157.]

AN ACT to provide for the adjudication and payment of certain claims for State bounties due to Michigan soldiers, and supposed to have been paid by the State upon forged or fraudulent vouchers.

Board of State Auditors to examine claims, etc.

SECTION 1. *The People of the State of Michigan enact*, That the Board of State Auditors be and is hereby authorized and instructed to examine into and determine the rights of certain claimants to State bounties, which bounties, it is alleged, have been paid by the State upon forged or fraudulent vouchers; and to adjudicate and determine upon all questions of fraud in relation to such bounties.

Powers, and duties prescribed, etc.

SEC. 2. For the purposes herein provided, said board is hereby directed to hold its sessions at the Capitol at Lansing, at such times, and as often, as shall be necessary to transact and complete the business of adjudicating such claims. Said board is further authorized and directed to establish such methods of adjudication, and prescribe such mode of proof, as shall seem to them most conducive to the object intended to be accomplished by this act, and as shall be the least expensive to such claimants. They shall have further power in all cases, where it may seem to them to be necessary to compel the attendance of witnesses, and to call for papers and enforce the production thereof. They may also prescribe and provide suitable blanks, and do any and all things necessary and lawful for the prompt and faithful execution of the provisions of this act.

What necessary to establish claim.

SEC. 3. For the purposes of this act, it shall not be deemed necessary, in establishing a claim, for the soldier, or his widow or children, having a claim under the provisions of act number twenty-seven of the session laws of eighteen hundred and sixty-five, approved February fourth, eighteen hundred sixty-five, and being compiler's section nine hundred thirty-seven of the compiled laws of eighteen hundred and seventy-one, to comply with the technical requirements contained in the last three subdivisions of section one of said act, nor shall it be necessary to make any technical proof of a similar nature to that contained in the aforementioned provisos of said act number twenty-seven, but it shall be made to appear in all cases that the soldier enlisted and was mustered into the service in some regiment or other military

organization of this State, and was credited to this State or to some military sub-district therein: *Provided*, That no payment shall be made upon any assignment of such claim, nor to any person except to such identical soldier, or in case of his death, then to his widow or children or their legal representatives: *Provided* further, That the statute of limitations shall not be a bar to any claim by such soldier, or his widow, children or legal representatives.

SEC. 4. If it shall appear upon such examination that "the bounty due" said soldier so enlisted and mustered has been paid to any other person, upon forged or fraudulent vouchers, and that his bounty is still justly due him, the said board shall audit the claim, and issue a certificate showing the fact and directing the amount found to be due to be paid to such soldier or his heirs, and upon such certificate the Auditor General shall draw his warrant upon the treasurer of the State of Michigan for the amount found due by said board as shown by such certificate, and the treasurer shall pay the same out of any money appropriated for that purpose, or any money not otherwise appropriated.

In case of bounty having been paid on forged vouchers.

Approved June 9, 1885.

[No. 158.]

AN ACT to amend section forty-five hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one, being section six thousand and forty-five of Howell's Statutes relative to the sale of real estate of deceased persons by executors and administrators.

SECTION 1. *The People of the State of Michigan enact*, That section forty-five hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one, being section six thousand and forty-five of Howell's Statutes, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 4565. If it shall appear to the judge of probate that the sale was legally made and fairly conducted, and that the sum bid was not disproportionate to the value of the property sold, or if disproportionate, that a greater sum as above specified cannot be obtained he shall make an order confirming such sale, and directing conveyances to be executed, but if the purchaser shall for the period of twenty days thereafter neglect to pay or cause to be paid the sum bid at such sale, the court may in its discretion revoke such confirming order, and vacate such sale upon the application of the executor or administrator making such sale, and after such notice to the purchaser as the probate court may direct and shall thereupon direct another sale to be had of which notice shall be given and the sale shall in all respects be conducted as if no previous sale had taken place.

When court to make order confirming sale, etc.

When such order revokable, etc.

Another sale.

Approved June 9, 1885.

## [No. 159.]

AN ACT to amend compiler's section sixty-one hundred and thirty-one of the compiled laws of eighteen hundred seventy-one, relative to judgments and executions, being section seventy-seven hundred and sixteen, Howell's Annotated Statutes of eighteen hundred eighty-two.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section six thousand one hundred and thirty-one of the compiled laws of eighteen hundred and seventy-one, being section seven thousand seven hundred and sixteen [of] Howell's Annotated Statutes of eighteen hundred eighty-two, be amended so as to read as follows:

Not exempt  
from execution  
for purchase  
money.

When sale of  
void.

Proviso.

SEC. 2. The property exempted in the subdivision of which this act is amendatory shall not be exempt from any execution issued upon a judgment rendered for the purchase money for the same property, and any sale of such property after the commencement of a suit to recover the purchase price thereof, and the filing of the notice hereinafter required, shall be null and void as against such an execution: *Provided*, The plaintiff in any suit shall file or cause to be filed with the clerk of the city, village, or township in which the owner of such property resides, a notice in which he shall state the time when such suit was commenced, the amount claimed to be due, that the suit is brought to recover the purchase money for the property, a description of the property sought to be reached, and the name of the defendant. At the time of filing such notice the party filing the same shall pay to the clerk the sum of twenty-five cents, and said clerk shall endorse upon such notice the date of filing the same and make the same record as in case of chattel mortgages.

Approved June 9, 1885.

## [No. 160.]

AN ACT to amend section twelve of chapter three, of an act entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," being act number two hundred forty-three of the session laws of eighteen hundred eighty-one, approved June eighth, eighteen hundred eighty-one, said section twelve being section thirteen hundred fifty of Howell's Annotated Statutes.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twelve of chapter three, of an act entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within this State," being act number two hundred forty-three of the session laws of eighteen hundred eighty-one, approved June eighth, eighteen hundred eighty-one, said section twelve being section thirteen hun-



dred fifty of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

(1350) SEC. 12. All road work hereafter done upon roads that have been opened and worked for ten years or more, except such as may be required for necessary repairs, shall have in view the permanent improvement of such roads by graveling and turnpiking. Elevations upon the line of such roads shall be cut down and the depressions raised in order to form a grade as level as the nature of the ground will permit. Any surplus earth or gravel taken from one portion of the road may, with the consent of the highway commissioner, be used to fill such depressions in any other road in the same district: *Provided*, That no earth shall be dug, plowed, or scraped nearer than within eight feet of the margin of the highway without the consent of the owner of the premises adjacent thereto. Such roads shall be worked so as to form a turnpike sufficiently crowning to turn the water, with gutters adequate for drainage, and the width of the turnpike shall be not less than ten feet on each side of the center line of the road, terminating in the center of the gutter. Any person may under the direction of the overseer of highways, be allowed to remove snow from the traveled highway, to haul gravel or other material for the repair of roads at any time during the year, and a receipt for the work so done shall apply on his next assessment of highway labor.

Work upon roads to have in view, etc.

Proviso.

How to be worked.

When snow may be removed for purpose of working road.

Receipt for, etc.

Ordered to take immediate effect.

Approved June 9, 1885.

### [No. 161.]

AN ACT to establish the police court of the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*, That on and after the fourth day of July, in the year of our Lord eighteen hundred eighty-six, there shall be in the city of Detroit a court which shall consist of two police justices and which shall be known and designated as "The Police Court of the City of Detroit."

When court established to consist of; known as.

SEC. 2. The first election for said police justices shall be held on the Tuesday next succeeding the first Monday in November, in the year eighteen hundred eighty-five, when there shall be elected by the qualified electors of the city of Detroit, two police justices, whose terms of office shall commence on the fourth day of July, in the year eighteen hundred eighty-six, and shall continue as follows, namely: One term for a period of two years, one term for a period of four years. At this election the electors shall with the names of the persons for whom they intend to vote for police justice, designate upon their ballots the terms of office they intend such persons to hold substantially in manner following, namely:

First election of police justices.

Term.

Ballots.

For Police Justice—Term of two years, . . . . . (Name of candidate.)

For Police Justice—Term of four years, . . . . . (Name of candidate.)

The person for whom the greatest number of legal votes shall be cast for police justice for any one of said terms shall be deemed and

Subsequent elections for police justice.	<p>declared elected police justice for such term. On the Tuesday after the first Monday in November, in the year eighteen hundred eighty-seven, and on the same day in every second year thereafter, there shall be elected in the city of Detroit a police justice who shall hold office for a term of four years, commencing on the fourth day of July, of the year next succeeding. In case of a vacancy in the office of police justice, the common council of the city of Detroit shall, as soon as practicable, order a special election to fill such vacancy, in like manner as at the time is provided by law in case of a vacancy in the office of mayor of said city; but no such special election for police justice shall be held within the three months next preceding the time herein appointed for the regular election of a police justice, unless there be more than one vacancy, in which case the common council may in its discretion order such special election to be held within the said three months. The provisions of law relative to holding elections for city officers in said city, canvassing the votes and making returns thereof, and the disposition of and action upon such returns shall, so far as applicable, regulate and apply to all elections for said police justices. Whenever an election held under the provisions of this act shall, from any cause, occur on the same day with an election held under the charter of the city of Detroit for mayor, city clerk, city attorney, treasurer, and councilmen, or for any one or more of said city officers, the names of the persons voted for for police justice shall be placed on the same ticket or ballot with the names of those voted for for the city officers aforesaid.</p>
Term of.	
Vacancy. how filled.	
Laws governing elections for police justice.	
Name on same ticket with city officers.	
Clerk and assistant clerks of police court.	<p>SEC. 3. There shall be a clerk of said police court, and also such assistant clerks as the common council of said city may at any time after the passage of this act by ordinance prescribe, but no amendment or repeal of such ordinance shall have the effect to remove any assistant clerk from office during the term for which he is appointed. The clerk and assistant clerks of the police court shall be appointed by the police justice whose term of office shall first expire, as soon as practicable after the fourth day of July, in the year of our Lord eighteen hundred eighty-six, and after the fourth day of July in every second year thereafter, and they shall hold office for a term of two years, commencing on the first day of August, in the year in which they are appointed, and until their successors are appointed and qualified: <i>Provided, however,</i> That the persons appointed clerk and assistant clerks in the year eighteen hundred eighty-six, shall hold such offices and shall execute the powers and perform the duties thereof during so much of the month of July of said year as may remain unexpired at the time of their appointment and qualification. In case of vacancy in the office of clerk or assistant clerk of the police court, the same shall be filled by appointment in like manner as above provided, and the person appointed to fill such vacancy shall hold office for the remainder of the unexpired term, and until his successor is appointed and qualified. Memoranda of such appointments shall be entered in the journal of the proceedings of the police court, and shall be signed by the police justice making such appointment, and certificates of such</p>
Appointment of.	
Term of.	
Proviso.	
Vacancy.	
Entry of appointments in journal.	

appointments signed in like manner, shall be by him transmitted to the city clerk of said city who shall file and preserve the same in his office, and notify the common council of said city of such appointments.

Certificate to city clerk.

Notice to council.

SEC. 4. No person shall be eligible to the office of police justice or to the office of clerk or assistant clerk of said police court unless at the time of his election or appointment he shall be a citizen of the United States and of the State of Michigan, and a resident elector of the city of Detroit. Said police justices shall be attorneys at law authorized to practice in the supreme court of this State. The police justices, the clerk and assistant clerks of the police court shall, before entering upon the duties of their respective offices take and subscribe the oath of office prescribed by the constitution of this State before some officer authorized by law to administer oaths, and shall deposit the same with the city clerk who shall file and preserve the same in his office. The said clerk and assistant clerks, before entering upon the duties of their respective offices, shall each give his bond to the people of the State of Michigan in the penal sum of two thousand dollars, with two sufficient sureties, to be approved by the controller of said city, conditioned for the honest and faithful discharge of the duties of his office. Such bond shall be deposited with the controller, who shall file and preserve the same in his office, and inform the common council and the board of education of the city of Detroit of the filing of said bond, and of the names and residences of the sureties thereon. The common council, whenever they shall deem such bond, or any of the sureties thereon insufficient, may, by resolution, order and require, within a reasonable time, to be fixed by such resolution, new or additional security, to be given in manner and form as near as may be, as is above provided in case of the original security to be filed by said clerks.

Who eligible as justice, clerk and assistant clerks.

Oath.

Clerk and assistant clerk's bond.

SEC. 5. The police justices may be removed from office in like manner and for like cause as is provided by law for the removal of justices of the peace. The clerk, and assistant clerks may be removed from office by the police justices upon proof of incompetence, gross neglect of duty, or willful misconduct in office. Resignation of office by any police justice shall be made to the mayor of the city of Detroit, who shall immediately inform the common council of said city thereof. Resignation of office by any clerk, or assistant clerk, shall be made to the police justices who shall cause to be made an appropriate record of the same. Vacancy in office of police justice, clerk, and assistant clerk shall be deemed to exist when the incumbent shall have died, resigned, been removed from office, ceased to be a resident of the city of Detroit, or wholly failed, for any cause other than sickness for a continuous period of six months to perform the duties of his office. Vacancy in the office of clerk, and assistant clerk, shall also be deemed to exist if such clerk, or assistant clerk, shall not within the time fixed by the common council file new or additional security when required as provided in section four of this act. Any person holding office

Removal from office.

Resignation of justice, clerk, and assistant clerk.

When vacancy deemed to exist.

Not eligible,  
during term, to  
any other office.

Salary of jus-  
tices, clerk, and  
assistant clerks.

Other compensa-  
tion forbidden.

Duty of metro-  
politan police to  
serve process,  
etc.

To be the minis-  
terial officers of  
police court, etc.

Detail of rounds-  
men and patrol-  
men to attend  
the court, etc.

Common coun-  
cil to provide,  
etc., offices,  
rooms, etc., for  
court and its  
officers.

Limitation as to  
location of.

Designated as.

Temporary  
place for.

under this act shall not during the term for which he is elected or appointed, be eligible to any other office whatever.

SEC. 6. Each of the police justices shall receive an annual salary of three thousand dollars; the clerk shall receive an annual salary of eighteen hundred dollars; and the assistant clerks shall each receive such annual salary not exceeding that of the clerk, as the common council may by ordinance prescribe; but the salary of an assistant clerk shall not be increased or diminished during the term for which he shall be appointed. The salaries provided by this section shall be paid in monthly installments. The police justices, the clerk, and assistant clerks shall receive no other or further compensation for any services rendered, acts done or duties performed under this act than the salaries provided by this section.

SEC. 7. The members of the Metropolitan police force of the city of Detroit shall have the power and it shall be their duty to serve all process issued and to execute all orders lawfully made by the police court or any of the police justices; and they shall perform all of the duties of conveying prisoners from any jail, or other place of detention or imprisonment to the police court or to any of the police justices, for complaint, arraignment, examination, trial, sentence or other proceeding, and from the police court or the police justices to any jail, house of correction, reform school, prison, reformatory or any other place of detention, reformation, correction, punishment or imprisonment under the direction, order, process, judgment or sentence of the police court or any of the police justices, and they shall be the ministerial officers of the police court and of said police justices. It shall be the duty of the Board of Metropolitan Police of the city of Detroit, upon the written request of the police justices, to detail a roundsman and two patrolmen of the Metropolitan police force of said city to attend the police court; but said board may in its discretion detail a sergeant in place of such roundsman and may detail such additional patrolmen to attend the police court as shall from time to time be deemed necessary and proper.

SEC. 8. The common council of the city of Detroit shall have power and it shall be their duty to provide, maintain and suitably furnish a place for the transaction of the police court, and of the police justices, and of said clerks, which place shall have such offices, rooms, and apartments as may be deemed appropriate. The common council shall have power to provide such places by rental, or by purchase, or in any other manner not inconsistent with the provisions of the charter of the city of Detroit or with the laws relating to the powers of said city, but such place or any part thereof shall not be within or a part of any building or other structure used in whole or in part as a police station. The place so provided by the common council shall be known and designated as "The Police Court Building," and all of the business of the police court, of the police justices, and of the clerk, and assistant clerks shall be transacted therein except as shall be otherwise provided by this act. In case of the destruction of such building or other necessity, the common council may provide a temporary place elsewhere for the transaction of such business.

SEC. 9. The payment of the salaries provided by section six of this act, and the cost and expenses of providing, maintaining, and furnishing a place for the police court and of securing any site therefor as authorized by section eight of this act shall be borne by the city of Detroit, and shall be provided for by the common council of said city in its discretion as a part of the general fund as established by the charter of the city of Detroit, and shall be paid from such fund in like manner as near as may be as annual city expenses are provided and paid. All other cost and expense necessary and proper to the due maintenance and operation of the police court and to the orderly and efficient transaction of the business thereof, and of the police justices, and of said clerks, and to the due and complete operation of the provisions of this act, including the service of all writs and process (excepting, however, the salaries of the sergeant, roundsmen and patrolmen mentioned in section seven of this act), shall be borne by the county of Wayne and shall be provided for and paid in like manner as near as may be as other county expenses are provided for and paid.

Salaries and other expenses provided for and paid by city of Detroit.

Other expenses to be borne by Wayne county.

SEC. 10. The police court shall have original and exclusive jurisdiction to hear, try and determine all criminal cases wherein the crime, misdemeanor or offense charged shall have been committed within the corporate limits of the city of Detroit or upon any lands, tenements or hereditaments owned or occupied by, or under the authority of the city of Detroit, within the county of Wayne, and which crime, misdemeanor or offense would be, now or hereafter, cognizable by a justice of the peace if the same had been committed in any other part of this State; to entertain, conduct and dispose of all preliminary examinations into crimes, misdemeanors and offenses which shall have been committed within the corporate limits of the city of Detroit, and which may, now or hereafter, be cognizable by the recorder's court of said city; to hear, try and determine or otherwise lawfully entertain, conduct and dispose of all cases and proceedings arising within the corporate limits of the city of Detroit under the laws of this State relative to disorderly persons, illegitimate children, fugitives from justice from other States and foreign countries, the preservation of the public peace and the prevention of crime: *Provided, however,* That this act shall not be in any wise construed to interfere with or affect any of the powers of or the authority conferred by law upon the grand jury of the county of Wayne. The police court shall have concurrent jurisdiction with the recorder's court of the city of Detroit to hear, try and determine cases arising under the ordinances of the common council relative to common prostitutes, vagrants, mendicants, street beggars, drunken persons, disorderly persons, disturbances and breaches of the peace, indecent exposure of the person, indecent conduct, indecent exhibitions, and other disorderly conduct, and any person arrested for a breach of any of the ordinances aforesaid, shall be discharged from custody upon entering into a recognizance in a sum not exceeding the penalty provided for the violation of the same, and with sureties satisfactory to the officer taking said recognizance, conditioned for the appearance of such person

Jurisdiction.

Proviso.

Concurrent jurisdiction with recorder's court in certain cases.

Persons arrested for violation of above ordinances to be discharged from arrest upon giving recognizance, etc.



Who may take recognizances.	to answer to any complaint that may be preferred against him or her. Either of said police justices, the clerk of the police court and the clerk of the recorder's court of the city of Detroit shall have power to take said recognizances, and it shall be the duty of the officer having such person in custody to produce him before any of said officers for the purpose of giving such bail when required so to do. All recognizances taken as hereby provided shall be filed as soon as practicable in the office of the clerk of the court before whom such person is brought for trial and said courts shall have full jurisdiction and authority to control and enforce the same.
Duty of officer having person in custody to produce for purpose of giving recognizance.	
Recognizances to be filed.	
Jurisdiction of court to control and enforce same.	
Power to issue writs, process, etc.	SEC. 11. The police court shall have power to issue all lawful writs and process, and to do all lawful acts which may be necessary and proper to execute and carry into complete effect the powers and jurisdiction given by this act, and especially to issue all writs and process, and to do all acts which justices of the peace, within their respective jurisdictions, may issue and do by the laws of this State, and shall, as far as applicable, be governed by the provisions of law regulating criminal cases and proceedings before justices of the peace. Any one of the police justices may open the police court, and hold, continue, and adjourn a session thereof, and shall constitute a quorum for the transaction of any business of which the police court may lawfully take cognizance, and said police justices may severally hold, continue, and adjourn sessions of the police court, simultaneously, for the transaction of any such business; but a continuance or adjournment by one police justice shall not of itself affect any session held by or business pending before any other police justice. The police justices shall severally have power and authority to act in any case, matter, or proceeding pending in said court as circumstances and justice may require, or as may be necessary or proper, subject to the limitations of this act; but no police justice shall review or revise any order, judgment, sentence, or act of any other police justice involving the personal discretion, judgment, or opinion of such other police justice. The police justices may assign or apportion the business of the police court among themselves, for the convenient, orderly, and prompt transaction thereof. The police justice whose term shall soonest expire, and who shall not have been elected to fill a vacancy, shall be known and designated as the senior police justice. He shall sign the daily journal of the proceedings of the police court. In case of the absence or inability to act of the senior police justice, the other justice present shall act as senior police justice. Except as provided by this act, the senior police justice shall possess no greater or other power or authority than any other police justice. The practice in the police court shall, subject to the provisions of this act, conform, in general, to the practice in similar proceedings in courts of record; but neither the police court nor any police justice shall have any power or authority to grant new trials, or to vacate or arrest any judgment, or to stay any proceedings thereon. No person shall be allowed to appear or practice in the police court as an attorney and counsellor unless he shall be authorized to appear
One justice a quorum.	
Simultaneous sessions.	
Continuance, adjournments, etc.	
One justice shall not review, etc., acts, etc., of other.	
Apportionment of business.	
Senior police justice.	
Signing journal.	
Practice in police court.	
Who may appear as attorney.	

and practice in that capacity in the circuit court for the county of Wayne. Trials and examinations in the police court shall be public, but whenever it shall appear that, upon the trial of any cause or upon examination, evidence of licentious, lascivious, degrading, or peculiarly immoral acts or conduct will probably be given, the police justice presiding at such trial or examination may, in his discretion, require and cause every person, except those necessarily in attendance thereon, to retire and absent himself or herself from the court room during such trial or examination, or any portion thereof; and no person under the age of sixteen years shall be permitted at any time to remain during the trial of any cause, or during any examination in the police court, or during any portion thereof, in the court room in which such trial or examination is pending, unless such person is accompanied by one of its parents or guardian, or is required by law or the process of the court to be present or in attendance thereon. The police court and clerk's office shall be open daily (except Sundays and holidays), at reasonable hours, for the transaction of the general business thereof, but said court shall be deemed in law always open for the purpose of taking complaints, issuing warrants, and admitting prisoners to bail, in cases, matters, or proceedings arising under the laws of the State of which the police court may take cognizance; and in such cases, matters, and proceedings, either police justice may take complaints and issue warrants thereon, at all hours, and upon all days, anywhere within the corporate limits of the city of Detroit. It shall be the duty of the several police justices to attend and open the police court, and hold sessions thereof, at such times as the common council of the city of Detroit shall by ordinance prescribe, and then and there examine into and determine all cases arising under any of the ordinances of said common council which shall be brought before the police court, and of which such court shall, by the terms of this act, have jurisdiction. And it shall be the duty of all officers having in custody or confinement any person charged with violating any of the ordinances of the common council mentioned in section ten of this act, to promptly bring such prisoner before the police court for trial or other lawful action, unless such prisoner shall be held under or by virtue of the warrant, capias, or other process of another court, magistrate, or officer.

Trials and examinations.

When all except those connected with, to be excluded.

Persons under 16 years prohibited being present at any trial, except.

When court and clerk's office to be open.

Court to be deemed always open.

May issue warrants, etc., anywhere in city limits.

Duty of justices to attend and open court, etc., at such times, etc.

Duty of officers having in custody persons, etc., to bring promptly before court, unless.

SEC. 12. The police court shall have power to punish as for a criminal contempt any person who shall be guilty of any act, conduct, or behavior for which such person would be punishable as for a criminal attempt [contempt] in any court of record if such act had been committed within its jurisdiction, and the procedure in the police court in cases of contempt shall be substantially the same as in courts of record, and like punishment may be inflicted therein, except that no fine shall exceed one hundred dollars.

Power to punish for contempt.

Procedure in case of.

Punishment; fine limited.

SEC. 13. The police court shall have authority in all cases, in its discretion, either before or after the issuing of process, to require of the complainant security for costs to the satisfaction of the police justice ordering the same, or in his absence to the satisfaction of any other police justice, and the person becoming such security

Security for costs.

When judgment for costs to be entered against complainant, etc.	shall sign a memorandum in writing to that effect which shall be filed with the clerk and shall be kept as a part of the proceedings in the case. If the defendant or prisoner shall be discharged upon examination or acquitted upon trial, or, if the complainant, being a material witness, can not be found, and the case shall for that reason be dismissed, judgment for costs shall be entered immediately against the complainant or against the complainant and his surety when security for costs shall have been given; and such judgment shall have like force and effect, and execution for the collection thereof may issue as in case of any judgment rendered by a justice of the peace: <i>Provided</i> , That the police justice rendering such judgment shall find and cause to be entered in the record of the case that he found that payment of such costs by the complainant was just and equitable. In determining the amount of such costs the court shall be governed by the provisions of law relative to fees, costs, and expenses in similar proceedings before justices of the peace, but in no case shall such judgment for costs, when rendered, be less than for three dollars. If execution shall have been issued upon such judgment for costs and shall have been returned unsatisfied, proceedings as for contempt may be had against the complainant or his surety or both, as in case of criminal contempt committed out of the presence of the court.
Force and effect of.	
Proviso.	
Determination of amount of costs.	
Not to be less than three dollars.	
When execution returned unsatisfied.	
Limitation as to who may accept bail for crime, etc., over which police court has jurisdiction.	SEC. 14. The police court, or either police justice thereof, the recorder's court of the city of Detroit, the circuit court for the county of Wayne, and the supreme court of this State and the justices thereof, and no other court, magistrate, or officer whatever, except as provided in section ten, shall have power to let to bail any prisoner or person in custody charged with a bailable crime, misdemeanor, or offense of which the police court shall for any purpose have jurisdiction.
When person may be attached as witness, etc.	SEC. 15. If it shall appear to the police court, or to either police justice, by affidavit or other appropriate evidence upon oath, or by the testimony of any witness or witnesses given in the course of any trial or examination in the police court, that any person is a material witness in any case, matter, or proceeding pending in said court, and will probably be a necessary witness therein, either before the police court or any other court, and that there is reason to believe that such person will not appear and testify in such case, matter, or proceeding, unless security be given by such person to so appear and testify, the police court or police justice may by appropriate process attach such person, and commit him or her to the custody of the superintendent of the Metropolitan police force of the city of Detroit, to be by said superintendent held and detained according to law as a witness in such case, matter, or proceeding, until the further order of the police court, but not longer than thirty days from the date of the warrant of commitment, unless such person shall give bail in such sum and with such surety or sureties as shall be approved by either police justice of said court, conditioned at the option of the party giving the same, either to remain openly for the thirty days next succeeding the date of the warrant of commitment, within the corporate limits of the city of Detroit, or to appear and
Detention of.	
Bail of.	

testify from time to time in such case, matter, or proceeding therein without further notice.

SEC. 16. When any person shall be convicted in the police court of any crime, misdemeanor, or offense which may, by the terms of any law or statute prescribing the punishment therefor, be punished by imprisonment in the county jail, either as an absolute or alternative penalty, the judgment or sentence of the police court shall in such case, if punishment by imprisonment is imposed thereby, provide that such convicted person shall be imprisoned in the Detroit House of Correction instead, anything in said law and statute to the contrary notwithstanding. And persons so sentenced to the Detroit House of Correction, shall be received and kept by the superintendent thereof in like manner as other prisoners lawfully committed thereto.

Persons punishable by imprisonment in county jail to be sent to Detroit House of Correction, etc.

Superintendent of to receive and keep.

SEC. 17. When by any statute of this State a forfeiture is provided as a penalty for the violation thereof, and such violation is an offense falling within the jurisdiction of the police court to hear, try, and determine, the offender shall, upon conviction in that court, be sentenced to pay a fine not exceeding the amount of such forfeiture, and in default of the payment of such fine, to be imprisoned in the Detroit House of Correction for a definite period not exceeding ninety days, unless such fine be sooner paid.

Fines, default in payment, term in Detroit House of Correction.

SEC. 18. Any warrant, writ, or other process of the police court, whether issued by said court or a police justice, shall be in the name of the people of the State of Michigan, shall be addressed to the superintendent or any captain, sergeant, roundsman, detective, or patrolman of the Metropolitan police force of the city of Detroit, shall be tested by the senior police justice, shall be returnable before the police court at the police court building, shall be signed by the police justice issuing the same or authorizing the issuing thereof, and may, without backing or endorsement by any other court, magistrate, or officer, be served or executed anywhere in the State of Michigan.

Warrants, writs, etc., to whom addressed, etc.

SEC. 19. Any case, matter, or proceeding pending in the police court may be adjourned, postponed, or continued from time to time as in the discretion of the court shall seem proper, except such as may be heard, tried, and determined in the police court, which shall, if the accused is in custody for want of bail, be heard, tried, and determined, within ten days after the return of the warrant, unless it shall be made to appear by affidavit or other sufficient showing that justice requires an adjournment, postponement, or continuance of such case, matter, or proceeding beyond said ten days, in which event it may be adjourned, postponed, or continued beyond said ten days, but not more than thirty days in all from the date of the return of the warrant, and which shall, if the accused is not in custody for want of bail, be heard, tried, and determined within thirty days from the date of the return of the warrant. But if any of the periods of time herein limited shall expire during the trial of such case, matter, or proceeding, it shall nevertheless proceed to final determination, in the manner and with like effect, as though the period limited as aforesaid had not expired.

Adjournment, continuation, etc., of cases—exceptions.



Certain crimes suspected, justice may require person to appear and testify, etc.

Summons of.

Apprehension of person suspected.

Trial of case.

Law as to grand jurors to govern as to divulging statements of such witness.  
Duty of clerk.  
Record.

File, etc., bonds, etc.

As to fines and costs.

As to oaths and affidavits.

Deposition, etc.

Assistant clerk.

Books, records, etc., of the court to be public.

SEC. 20. If either police justice shall have probable cause to suspect that an indictable crime, misdemeanor, or offense has been committed within the corporate limits of the city of Detroit, and that any person within the lawful jurisdiction of the process of the police court may be able to give any material evidence respecting such crime, misdemeanor, or offense, he shall have power and authority in his discretion to require such person to appear before him as a witness and answer upon oath such questions as shall be put to him or her touching such crime, misdemeanor, or offense, or his or her knowledge or information of the same, or of any material fact involved therein; and the proceedings to summon said witness and to compel him or her to testify shall, as far as practicable, be the same as proceedings to summon witnesses and compel their attendance and testimony in ordinary cases, matters, and proceedings in the police court, and if upon such inquiry the police justice shall be satisfied that such crime, misdemeanor, or offense has been committed, and that there is probable cause to suspect any particular person or persons to be guilty thereof, he may cause the apprehension of such person or persons by proper process, and upon the return of such process served or executed, the police justice shall proceed with the case, matter, or proceeding in like manner as upon formal complaint by the injured party or other person. And in respect to communicating or divulging any statements made by such witness during the course of such examination the police justice shall be governed by the provisions of law relative to grand jurors.

SEC. 21. The clerk of the police court shall keep a true record of the proceedings of said court and of the business of his office in journals, calendars, or other proper books, to be provided for such purpose, which books shall be of such forms as shall be approved by the senior police justice. He shall file and safely keep all books, bonds, recognizances, and papers belonging to the police court or to his office. He shall receive all fines and costs imposed by said court, and shall, within forty-eight hours after the receipt thereof, pay the same to the county treasurer of the county of Wayne and take receipt therefor, except such fines and costs as shall be imposed and received in cases arising under the city ordinances above mentioned, which shall be paid in like manner and within the same period to the city treasurer of the city of Detroit, and by him credited to the police court fund. He shall have power and authority generally to administer oaths and take affidavits. He shall write depositions and perform such other clerical work as shall be required from time to time by the police court. The assistant clerks shall have the same powers and may perform the same duties as the clerk, but shall be under his direction and may be assigned by him to exercise such powers and perform such duties before or with either of said police justices. In the absence of the clerk the senior police justice may direct an assistant clerk to act as clerk for the time being. The books, records, files, and papers of the police court and of the clerk's office shall be deemed public, and subject to reasonable rules and regulations to be fixed by the police justices shall be, at reasonable times, open to public inspection.



SEC. 22. Juries in the police court shall be judges of the law and the facts. They shall be composed of six persons, who shall severally possess the lawful qualifications of jurors in the recorder's court of the city of Detroit, and any challenge which would be valid and sufficient if made in the recorder's court shall be valid and sufficient if made in the police court: *Provided, however,* That but two peremptory challenges shall be allowed to the people and a like number to the accused in all trials in the police court. The "board of jury commissioners," as created by act number one hundred and sixty of the session laws of eighteen hundred eighty-one, shall annually or whenever required by the senior police justice in accordance with the method provided by that act, select persons to serve as jurors for the trial of cases, matters and proceedings in the police court, and shall file a list of the persons so selected with the clerk of the police court. The number to be selected on the third Monday in May of each year, as provided by said act, shall be three hundred. After the filing of such list the proceedings for selecting, summoning, and compelling the attendance of jurors and talesmen shall be, as far as practicable, the same as is provided by law for like purposes in the recorder's court. Jurors shall be drawn and summoned for a term of one month, which shall be the calendar month next succeeding such drawing. Not less than eighteen nor more than thirty-six jurors shall be drawn and summoned for a term, unless for a special reason the senior police justice shall in writing direct that a greater number be drawn and summoned. No juror shall be excused from attendance for the term except by the concurrence of the two police justices. Whenever by law the recorder, or judge of the recorder's court is required or directed to be present at or participate in any part of the proceedings to select jurors for that court, the senior police justice, or acting senior police justice, shall perform like duty in like proceedings to select jurors for the police court.

Juries, judges of the law.

Composition, qualifications. Challenge.

Proviso.

Selection of.

To file with.

SEC. 23. In all cases determined in the police court, an appeal may be taken to the recorder's court of the city of Detroit in the same time and manner and with the same effect as prescribed by the general laws of the State for appeals from justices of the peace to the circuit court in criminal cases.

Appeals allowed to recorder's court, how and when.

SEC. 24. The common council of the city of Detroit shall have power, at any time after the passage of this act and subject to the limitations thereof, by resolution to designate a justice of the peace of said city to act as assistant police justice, and in case of death, resignation, absence, or inability of the present police justice the person so designated shall have and exercise all the powers and functions of the present police justice and shall perform all the duties of such office and in case of death, resignation, absence, or inability of both of the police justices provided for by this act, simultaneously, the justice of the peace, so designated as assistant police justice shall have and exercise all the powers and functions of a police justice (including those of the senior police justice) and shall perform all the duties of such office until a police justice is elected and qualified, or resumes the performance of the duties of his office.

Designation of justice of the peace as assistant police justice.

Powers, etc., of.

SEC. 25. The act of the Legislature of the State of Michigan Acts repealed.

entitled "An act to establish a police court in the city of Detroit," approved April two, eighteen hundred fifty, and all amendments thereof and all other acts and parts of acts of said Legislature relative to the police court of the city of Detroit, except so far as the same shall be preserved or continued in force by this act, shall, on and after the fourth day of July, in the year of our Lord eighteen hundred eighty-six, stand repealed, and the present police court of the city of Detroit shall on the fourth day of July, in the year of our Lord eighteen hundred eighty-six, wholly cease to exist and shall then and thereafter exercise no power, authority, or jurisdiction whatever; and all cases, matters, and proceedings pending and undetermined before the said police court or police justice, shall, on said day, by virtue of this act simply, be and shall stand transferred to the police court established by this act, and shall therein be heard, tried, and determined, or otherwise lawfully disposed of as though originally commenced in the latter police court, and as near as may be, according to the law and practice thereof; and all records, books, files, bonds, recognizances, and other papers belonging or appertaining to the present police court, or to the office of the clerk thereof, shall be by such clerk promptly delivered to the clerk of the police court established by this act, and shall be by the latter clerk kept and filed in his office where they shall have the same force and effect and be used for the same purpose as though originally filed in said office; but this act shall not be construed to affect any cause, matter, or proceeding heard, tried, and determined, or otherwise lawfully disposed of in the present police court at any time prior to said fourth day of July, in the year of our Lord eighteen hundred eighty-six, except for the taking of a lawful appeal therein which may be taken under the provisions of this act only.

Approved June 9, 1885.

[No. 162.]

AN ACT to amend section four thousand three hundred and four of the compiled laws of eighteen hundred and seventy-one, being section five thousand seven hundred and seventy-four of Howell's Annotated Statutes, relative to determination of all estates at will or by sufferance.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand three hundred and four of the compiled laws of eighteen hundred and seventy-one, being section five thousand seven hundred and seventy-four of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Determination of estates at will or by sufferance.

SEC. 4304. All estates at will or by sufferance may be determined by either party by three months' notice given to the other party; and when the rent reserved in a lease is payable at periods of less than three months, the time of such notice shall be sufficient if it be equal to the interval between the times of payment, and such notice shall not be held void by reason of its mentioning a day for

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the termination of the tenancy not corresponding to the conclusion or commencement of any such period, but in any such case the notice shall be held to terminate the tenancy at the end of a period equal in time to that in which the rent is made payable. And in all cases of neglect or refusal to pay rent on a lease at will, or otherwise, seven days' notice to quit, given in writing by the landlord to the tenant, shall be sufficient to determine the lease. And in all cases of tenancy from year to year a notice to quit, given at any time, shall be sufficient to terminate said lease at the expiration of one year from the time of the service of such notice.

Approved June 9, 1885.

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[No. 163.]

AN ACT to amend section three of act number one hundred and ninety-three of the session laws of eighteen hundred and sixty-seven, being section eight thousand and twenty of Howell's Annotated Statutes of eighteen hundred and eighty-two, relative to attachment.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number one hundred and ninety-three of the session laws of eighteen hundred and sixty-seven, being section eight thousand and twenty of Howell's Annotated Statutes of eighteen hundred and eighty-two, be and is hereby amended so as to read as follows: Section amended.

SEC. 3. Upon filing such affidavit, said clerk shall issue a writ of attachment, which writ shall recite the commencement of said action, and shall command the sheriff to attach so much of the lands, tenements, goods, chattels, moneys and effects of the defendant, not exempt from execution, wherever the same may be found in the county, as shall be sufficient to satisfy the plaintiff's demand and safely keep the same to satisfy any judgment that may be recovered by the plaintiff in such action; and in case any property of the defendant is found and seized in said county, but not sufficient to satisfy the demand and costs, to attach other property of the defendant subject to attachment, sufficient with that seized within his county to satisfy the demand and costs, wherever the same may be found within this state; and such writ of attachment may be made returnable in not less than fourteen nor more than thirty days from the issue thereof. When writ shall issue, etc.  
Sheriff's attachment.

Approved June 9, 1885.

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[No. 164.]

AN ACT to provide for boilers and steam heating of the asylum for insane criminals.

SECTION 1. *The People of the State of Michigan enact*, That the sum of five thousand dollars be and is hereby appropriated out of the general fund for boilers and steam heating of the asylum for insane criminals. Appropriation made.

Tax for.

SEC. 2. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-five the amount appropriated by section one of this act, which amount when collected shall be passed to the credit of the general fund.

This act is ordered to take immediate effect.

Approved June 9, 1885.

[No. 165.]

AN ACT to authorize the specific performance by guardians of insane and incompetent persons, of contracts made by their wards for the conveyance of real estate.

When probate court to make decree authorizing conveyance by guardian.

SECTION 1. *The People of the State of Michigan enact*, That when any person who is bound by a contract in writing to convey real estate, shall subsequently become insane, incompetent or a spendthrift, and a guardian shall have been duly appointed for such person, before the making of the conveyance of such real estate, the probate court may make a decree authorizing and directing such guardian to convey such real estate to the person entitled thereto, in all cases where such ward, if competent, might be compelled to execute such conveyance.

Proceedings to conform to statutes.

SEC. 2. All the proceedings in such cases shall conform as nearly as possible to the statutes authorizing the specific performance by executors and administrators of the contracts of deceased persons for the conveyance of real estate, as contained in chapter two hundred and twenty-eight of Howell's Annotated Statutes, being chapter one hundred and sixty-two of the compiled laws of eighteen hundred and seventy-one.

Approved June 9, 1885.

[No. 166.]

AN ACT to amend section two of chapter one hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one, being section sixty-one hundred and nine of Howell's Annotated Statutes, relative to adjournment of sales of real estate on execution.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter one hundred and sixty-five, of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

Notice of sale.

SEC. 2. Previously to the sale of any real estate taken on execution, notice of the time and place of holding such sale shall be given as follows:

*First*, A written or printed notice thereof shall be fastened up in three public places in the township or city where such real estate shall be sold, six weeks previous to the sale, and if such sale be in a township or city different from that in which the premises to be

sold are situated, then such notice shall also be fastened up in three public places in the township in which the premises are situated;

*Second*, A copy of such notice shall be published once in each week, for six successive weeks, in a newspaper printed in the county in which such real estate is to be sold, if there be one;

*Third*, If there be no newspaper printed in such county, then such notice shall be published once in each week, for six successive weeks, in some newspaper printed in an adjoining county.

The sheriff or other officer making such sale shall have power to adjourn the same from time to time, for a reasonable cause, and if such adjournment be for more than one week, he shall give notice thereof in the newspaper in which the original notice was printed, and immediately following the same, and shall continue a publication of such notices during the time for which such sale shall be adjourned, but shall not be required to post any notice of such adjourned sale except at the place where said sale is to be made.

Approved June 9, 1885.

[No. 167.]

AN ACT to authorize the board of control of State swamp lands to cause the removal of jams or rafts of floodwood and deepen the channel where necessary in and from the Newton creek in the township of Alpena, in the county of Alpena, and to appropriate not exceeding three sections of State swamp land to defray the cost thereof.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of State swamp lands be and they are hereby authorized, if in their judgment the public interest requires it, to remove or cause to be removed, in such manner as to them may seem best, but under their direction and control, certain jams or rafts of floodwood, and to deepen the channel where necessary in the Newton creek, in the township of Alpena, in the county of Alpena, and appropriate and use for that purpose not exceeding three sections of State swamp lands, the said board of control shall cause an examination, by one of their number or otherwise, of the work to be done, and to report to said board thereon the necessity of doing such work, and the estimated cost thereof, before the first day of August, eighteen hundred and eighty-five.

SEC. 2. It shall be the duty of said board of control, on or before the first day of August, in the year of our Lord eighteen hundred and eighty-five, if upon such examination they shall deem the same necessary, to advertise for sealed proposals for the doing said work, stating in the notice that the work is to be paid for in State swamp land, which notice shall be published once a week for six consecutive weeks in two newspapers printed and published in said county of Alpena.

SEC. 3. To secure the removal of said obstructions in the said creek, the board of control of State swamp land is hereby authorized to appropriate three sections of State swamp land of six hun-

Removal of  
jams, flood-  
wood, etc., au-  
thorized.

To clear, deep-  
en, etc, Newton  
creek, etc.

Advertisement  
for proposals.

Three sections  
of swamp land  
may be appro-  
priated.



dred and forty acres each, to be selected from the State swamp land in the counties of Alpena, Presque Isle, and Montmorency, of this State, and there shall be issued to the contractor entitled thereto the proper certificate for so much of said three sections of State swamp land as he may be entitled to upon the performance of his contract, according to the terms thereof.

Ordered to take immediate effect.

Approved June 10, 1885.

[No. 168.]

AN ACT to amend sections one, two, three, four, five, and six of "An act establishing a State agency for the care of juvenile offenders," approved April twenty-ninth, eighteen hundred seventy-three, as amended by an act to amend section one of said act, approved March nineteenth, eighteen hundred seventy-five, the same being sections nine thousand eight hundred ninety-four, nine thousand eight hundred ninety-five, nine thousand eight hundred ninety-six, nine thousand eight hundred ninety-seven, nine thousand eight hundred ninety-eight, and nine thousand eight hundred ninety-nine of Howell's Annotated Statutes.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, five, and six of an act entitled "An act establishing a State agency for the care of juvenile offenders," approved April twenty-ninth, eighteen hundred seventy-three, as amended by act number thirty-seven of the laws of eighteen hundred seventy-five, approved March nineteenth, eighteen hundred seventy-five, being chapter number forty-six, sections nine thousand eight hundred ninety-four, nine thousand eight hundred ninety-five, nine thousand eight hundred ninety-six, nine thousand eight hundred ninety-seven, nine thousand eight hundred ninety-eight, and nine thousand eight hundred ninety-nine, Howell's Annotated Statutes, be and the same are hereby amended so as to read as follows:

Appointment of  
agents in the  
several coun-  
ties.

SECTION 1. The Governor may appoint, in each county of this State, an agent of the State Board of Corrections and Charities for the care of juvenile offenders and dependent children, who shall hold his office during the pleasure of the Governor, and who shall be known as the county agent for the county for which he is appointed. Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, the said agent shall take and file with the county clerk of the county for which he was appointed, the oath of office prescribed by the constitution of this State; and upon such qualification, it shall be the duty of the county clerk to immediately transmit notice thereof to the circuit judge, each justice of the peace, and all other magistrates of the county having competent jurisdiction for the trial of juvenile offenders, and also to the superintendents of State institutions which place children in families by contract, indenture, or adoption. Said agent shall receive as compensation for his services under this act, his

Oath of office.

Duty of county  
clerk to notify  
circuit judge,  
etc., of agent's  
qualification.

Compensation.

necessary official expenses, together with the sum of three dollars in full, for his services in each case investigated, or visited, and reported on as hereinafter provided, but not exceeding three dollars for any one day's services, which shall be audited by the Board of State Auditors, and paid from the general fund; and when such services and expenses relate to the indenture, adoption, or visiting of the children placed in families by any State institution, the accounts therefor shall be certified by the superintendent of the institution to which the children belong: *Provided*, That the sum so allowed for the services of said agent in any county except the counties of Wayne and Kent, shall not, in any one year, exceed the sum of one hundred dollars, and that in the counties of Wayne and Kent the sum so allowed for such services shall not, in any one year, exceed the sum of two hundred dollars.

Accounts to be certified to by superintendent.

Proviso—limit of compensation.

SEC. 2. Whenever a complaint is made or pending against any boy under the age of sixteen years, or girl under the age of seventeen years, for the commission of any offense not punishable by law with imprisonment for life, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate, at once and before any further proceedings are had in the case, to give notice in writing of the pendency, to said agent, if there shall be one in said county, who shall have opportunity allowed him to investigate the charge or charges; and upon receiving such notice the agent shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and of all the facts and circumstances of the case, and report the same to the court or magistrate, who shall advise and counsel with the said agent; and if upon such consultation, after full investigation and proof of the offense charged, it shall appear to the court that the public interest, and the interest of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardian or friends; or he may authorize said agent, under the advice and approval of the judge of probate of the county, to take such child and bind him or her out to some suitable person, until he or she shall have attained the age of twenty-one years, or for any less time, or impose a fine, or to suspend sentence for a definite or indefinite period; or if the child is found guilty of the offense charged, and appears to be willfully wayward and unmanageable, the court may cause him or her to be sent to the Reform School, Industrial Home for Girls, or to any State penal or reformatory institution authorized by law to receive such boy or girl, subject to such conditions of sex and age as are now provided by law for the reception of children in said school or institution, and in such cases the report of the agent shall be attached to the mittimus, and the child may be placed in charge of the agent to be conveyed, under his direction, to the institution, and for such services the same fees shall be allowed as are paid to sheriffs in like cases.

Court to notify agent of complaint against child.

Agent to make examination of parentage, etc., and report to court.

Court may order return of child to parents, etc., or may send to Reform School or Industrial Home for Girls, etc.

Agent's report to be attached to mittimus.

Agent's fees.

SEC. 3. Said agent shall visit all children resident in the county for which he is appointed which shall have been indentured to any person therein by any State institution, whenever he shall be so requested to do by the superintendent of the institution which

To visit indentured children, etc.

Inquire into treatment of, etc.

Report when child is neglected or abused.

Board, etc., to cancel indenture, etc.

All indentures to reserve the right to cancel.

When indenture is cancelled, etc., superintendent to notify county agent.

Applicant for child must be approved by county agent, etc.

Approval to be filed, where.

Agent to seek out suitable person, etc., to adopt, etc., children.

To give notice.

To report to superintendent, etc.

To State Board of Corrections and Charities.

Duty of superintendent, etc.

placed such children in said county, and shall inquire into the management, condition and treatment of such children, and for that purpose may have private interviews with such children at any time; and if it shall come to the knowledge of such agent when making such visits, or at any other time, that any child thus placed in charge of any person as aforesaid is neglected, abused, or improperly treated by the person having such child in charge, or that such person is unfit to have the care thereof, he shall report the facts to the superintendent of the State institution by which the child was so indentured, and the board of such institution, or the superintendent thereof who may be so authorized to do by said board on being satisfied that the interest of the child requires it, shall cancel the indenture by which the child was placed in the family, and shall remove it to some other family home or directly to the State institution from which it was indentured. All indentures by which any child shall be placed in a home from any State institution shall reserve the right in the board making the indenture to cancel the same whenever, in the opinion of that board, the interests of the child require it. Whenever any indenture is cancelled as herein provided, or whenever any child indentured from any State institution has been adopted, notice thereof shall be given to said agent of the county where the child was indentured by the superintendent of the State institution from which the child was indentured or adopted.

SEC. 4. No child shall be indentured, adopted, or otherwise placed in charge of any person by any State institution during minority, or for any other period, unless the applicant for any child shall be first approved in writing by said agent for the county where the applicant resides, or by the State agent of the State institution to which the child belongs, in such form as may be prescribed by the board of such State institution. Such approval shall be filed with the superintendent of the State institution to which the application is made before the child shall be indentured or adopted.

SEC. 5. It shall be the duty of said agents, in their respective counties, to seek out suitable persons who are willing to take by indenture or adoption, and take charge of, educate and maintain children arrested for offenses, committed to any State institution, or abandoned, neglected, or dependent children in charge of any State institution, or its officers, and to give notice where such children may be so placed, to the board, officers, or superintendent having authority to dispose of such children by indenture or adoption. And said agents shall make regular or special reports of their doings under this act, to the superintendent of any State institution when so requested by him, in reference to applications for, or visiting any child belonging to the State institution of which he has charge. Said agents shall also report as aforesaid their doings under this act to the State Board of Corrections and Charities whenever so requested by said board.

SEC. 6. It shall be the duty of the superintendent of the reform school, and the principal officers of any State institution for the care or reformation of juvenile offenders now or hereafter to be

established, upon the discharge of any boy or girl received therein, forthwith to notify the agent of the Board of Corrections and Charities, residing in the county from which such child was sent, of such discharge; or if the boy or girl so discharged shall return to such county the agent shall, as far as possible, assist him or her in procuring suitable employment and a good home, free from immoral and evil influences. Said agent shall also keep a brief history of each child within his county discharged as aforesaid, in a manner and form to be prescribed by the board of which he is agent, and report the same from time to time to said board as it may require, to the end that the effect of the treatment and discipline of the several institutions of the State for the care and reformation of juvenile delinquents, upon their discharge therefrom, may be better known and understood.

Agent to assist boy or girl in finding employment, home, etc.

To keep history of child, etc., and report to Board, etc.

Approved June 10, 1885.

[No. 169.]

AN ACT to amend section forty-eight of chapter eight, being compiler's section eight hundred and seventy-five of the compiled laws of eighteen hundred seventy-one, as amended by act number twenty-eight of the session laws of eighteen hundred seventy-five, approved March twelfth, eighteen hundred seventy-five, as amended by act number one hundred and four of the session laws of eighteen hundred eighty-one, approved April twenty-second, eighteen hundred eighty-one, the same being section number nine hundred and fifteen of the general statutes of the State of Michigan in force, compiled and annotated by Andrew Howell, relative to the compensation of State troops.

SECTION 1. *The People of the State of Michigan enact*, That section forty-eight of chapter eight, being compiler's section eight hundred and seventy-five of the compiled laws of eighteen hundred seventy-one, as amended by act number twenty-eight of the session laws of eighteen hundred seventy-five, approved March twelfth, eighteen hundred seventy-five, as amended by act number one hundred and four of the session laws of eighteen hundred eighty-one, approved April twenty-second, eighteen hundred eighty-one, the same being section number nine hundred and fifteen of the general statutes of the State of Michigan in force, compiled and annotated by Andrew Howell, relative to the compensation of State troops, be and the same is hereby amended so as to read as follows:

Sections amended.

(875) SEC. 48. All officers, non-commissioned officers, musicians, and privates shall receive for their services for each day actually spent by them on duty, in case of riot, tumult, breach of the peace, resistance of process, or whenever called upon in aid of the civil authorities, and for the time necessarily spent by them in traveling from their homes to the place of rendezvous, and in return-

Compensation.

\* Ordered to take immediate effect by both Houses of the Legislature, but not so enrolled.

To be audited  
by the Auditor  
General.

To be certified  
and approved  
by whom.

Auditor Gen-  
eral to draw his  
warrant for the  
same.

To charge the  
same to the  
county in which  
the service was  
rendered.

ing to their homes, the following compensation, together with necessary rations and forage, to wit: To each private, not less than one dollar and twenty-five cents per day; to all commissioned officers of the line, and to the field, staff, and other commissioned officers, the pay proper, as fixed by the United States army regulations of officers of the army of the same rank in the service of the United States, together with all necessary rations and forage; and for the horses of all mounted officers and men, one dollar per day. Such compensation and such rations and forage, and the cost of all ammunition used, or purchased for use, by any officer in command of the State troops so called out, shall be audited and allowed by the Auditor General when detailed bills are presented in such form as he may direct, properly certified by the commanding officer of such troops and approved by the Quartermaster General. The Auditor General shall, upon auditing and allowing such accounts, draw his warrant therefore upon the State Treasurer, who is hereby authorized and directed to pay the same. And any such sums are hereby appropriated out of any moneys in the general fund not otherwise appropriated; and the Auditor General shall charge all such moneys so drawn to the county in which such service is rendered, to be collected and returned to the general fund in the same manner as any other county indebtedness to the State is required by law to be.

This act is ordered to take immediate effect.

Approved June 10, 1885.

[No. 170.]

AN ACT to authorize the burial of the body of any honorably discharged ex-Union soldier, sailor, or marine in this State, who shall hereafter die without leaving means sufficient to defray his funeral expenses.

Board of super-  
visors to appoint  
in each town-  
ship and ward  
person to look  
after burial,  
etc., of ex-sol-  
diers and sailors.

Where to be  
buried.

Expense  
limited..

No compensa-  
tion for services.  
Term.

Vacancy.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the Board of Supervisors of each county in this State, to appoint in each township and ward in their respective counties, a suitable person, other than those designated by law for the care of paupers and the care of criminals, whose duty it shall be, in his township or ward, to look after and caused to be interred in a decent and respectable manner in any cemetery or burial ground within this State, other than those used exclusively for the burial of the pauper dead, at an expense not to exceed forty dollars, the body of any honorably discharged Union soldier, sailor, or marine, having at any time served in the army or navy of the United States, who shall hereafter die, not leaving means sufficient to defray the necessary funeral expenses. Such person so appointed shall serve without compensation, and shall hold his appointment so long as he serves to the satisfaction of the Board of Supervisors, and whenever any vacancy occurs from any cause, it shall be the duty of the Board of Supervisors to fill such vacancy by the appointment of another suitable person.

SEC. 2. It shall be the duty of the person so appointed as provided



in the foregoing section, before he assumes the charge and expense of any such burial, to first satisfy himself by a careful inquiry into and examination of all the circumstances in the case, that the family of such deceased soldier, sailor, or marine, if he had any at the time of his decease, residing in such township or ward, is unable for want of means, to defray the expenses of such funeral or burial, whereupon, if he finds such inability to exist, he shall cause such deceased soldier, sailor, or marine to be buried as provided in section one of this act, and he shall also immediately report his action to the clerk of the Board of Supervisors of the county, setting forth all the facts, and that he found the family of such deceased person, if he had any, in indigent circumstances and unable to pay the expenses of such funeral or burial, together with the name, rank and command to which he belonged as such soldier, sailor, or marine, the date of his death, place where buried, and his occupation while living; also an accurately itemized statement of the expenses incurred by reason of such burial.

Duty of, to ascertain before assuming charge of burial.

To make full report to clerk of supervisors.

SEC. 3. It shall be the duty of the clerk of the Board of Supervisors, upon receiving the report and statement of expenses provided for in section two of this act, to transcribe in a book, kept for that purpose, all the facts contained in said report respecting such deceased soldier, sailor, or marine. It shall also be the duty of said clerk, upon the death and burial of any such soldier, sailor or marine, to make application to the proper authorities under the Government of the United States, for a suitable headstone, as provided by act of Congress, and to cause the same to be placed at the head of such deceased soldier's, sailor's or marine's grave.

Duty of clerk of supervisors to record.

To apply for headstone.

SEC. 4. All expenses incurred in such burial, as provided in this act, shall be audited and paid by the Board of Supervisors, or Board of County Auditors, the same as other legal charges against the county.

Expenses, how provided for.

This act is order to take immediate effect.

Approved June 10, 1885.

### [No. 171.]

AN ACT making an appropriation for the State Industrial Home for Girls, for the years eighteen hundred and eighty-five and eighteen hundred and eighty-six.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the general fund the following sums of money for the State Industrial Home for Girls: For deficiency in building and furnishing fifth cottage, two thousand two hundred and seventy-one dollars and seventy-eight cents (\$2,271.78); for steam and water supply for fifth cottage, one thousand three hundred and ninety-nine dollars and thirty-seven cents (\$1,399.37); for deficiency on building chapel and school building, one hundred and forty dollars and forty-one cents (\$140.41); for the current expenses of said home for the year eighteen hundred and eighty-

Appropriation made.

five, including the salaries of officers, pay of employés, fuel and lights, table and clothing expenses, the sum of thirty-two thousand and three dollars and forty-four cents (\$32,003.44), and for miscellaneous expenses: For school books, two hundred dollars (\$200); library, one hundred dollars (\$100); stationery, postage, and telegraphy, one hundred and fifty dollars (\$150); tools and implements, one hundred dollars (\$100); telephone, one hundred and ten dollars (\$110); hospital expenses, one hundred dollars (\$100); escapes, rewards, etc., one hundred dollars (\$100); expense of putting girls out, one hundred and fifty dollars (\$150); feed for stock, one hundred and fifty dollars (\$150); trees, plants, and seeds, fifty dollars (\$50); dairy utensils, one hundred and fifty dollars (\$150); furniture and bedding, two hundred dollars (\$200); freight, express, etc., one hundred and fifty dollars (\$150); medicine, instruments, etc., one hundred and fifty dollars (\$150); repairs to buildings, five hundred dollars (\$500); horse shoeing, carriage repairs, etc., seventy-five dollars (\$75); laundry and bath, one hundred dollars (\$100); stock, cows, one hundred and fifty dollars (\$150); total, two thousand six hundred and eighty-five dollars (\$2,685). And a like amount for miscellaneous expenses for the year eighteen hundred and eighty-six, and for current expenses for the year eighteen hundred and eighty-six, including salaries of officers, pay of employés, fuel and lights, table and clothing expenses, the sum of thirty-two thousand three hundred and fifteen dollars (\$32,315); and the board of control of said home is hereby authorized to transfer from the account for building reservoir, windmill, well, pump, and making the necessary steam and water connections, to the account of steam and water supply for fifth cottage, the sum of one thousand nine hundred and forty-five dollars and seventy-five cents (\$1,945.75).

Tax for.

SEC. 2. There shall be assessed upon the taxable property of the State, in the year eighteen hundred and eighty-five, the sum of thirty-eight thousand and five hundred dollars (\$38,500); and in the year eighteen hundred and eighty-six, thirty-five thousand dollars (\$35,000), to be assessed and levied in like manner as other State taxes are by law levied, assessed, and paid; which tax when collected shall be credited up to the general fund to reimburse to the same the sum to be drawn therefrom, as provided in this act.

This act is ordered to take immediate effect.

Approved June 10, 1885.

[No. 172.]

AN ACT to amend sections ten (10) and twelve (12) of chapter two hundred and sixty-eight (268), compiled laws of eighteen hundred and seventy-one, being compiler's sections eighty-one hundred and thirty-five (8135) and eighty-one hundred and thirty-seven (8137) as amended by act eighty-four (84), public acts of eighteen hundred and seventy-seven, relative to the Reform School, being sections ninety-eight hundred and

seventeen and ninety-eight hundred and nineteen of Howell's Annotated Statutes of eighteen hundred and eighty-two, and to add a new section to stand as section fifteen.

SECTION 1. *The People of the State of Michigan enact*, That sections ten (10) and twelve (12) of act eighty-four (84), public acts of eighteen hundred and seventy-seven, be amended and a new section be added to stand as section fifteen, to read as follows:

SEC. 10. Every male person under the age of sixteen years and over the age of ten years, who shall be convicted before any court or magistrate of competent jurisdiction, for any offense punishable by law, by fine or imprisonment, or both, and who in the opinion of the court or magistrate, would be a fit subject for commitment to the Reform School, except in cases of offenses punishable by law by imprisonment for life, may be sentenced by such court or magistrate to the Reform School until he shall reach the age of seventeen years, or until discharged by law, and such court or magistrate shall certify to the superintendent of said Reform School the age of all persons committed, as near as can be ascertained, with cause of commitment, embracing all important facts connected therewith: *Provided*, That no person under the age of eleven years shall be sentenced to the Reform School as a disorderly person: *Provided further*, That all judgments and commitments, rendered and made under this act, by police courts and justices of the peace, shall upon a reviewal by the proper circuit or probate judge, of the proceedings and testimony taken or had on the trial be approved; and that if such sentence be disapproved, such police court or justice is hereby authorized to pass sentence as in other cases provided by law.

SEC. 12. Each and every boy under the age of sixteen years who shall be legally committed to said school as provided in the foregoing section, shall be kept, disciplined, instructed, employed, and governed under the direction of the board of control of said school, until he either be reformed and discharged, or until he shall have arrived at the age of seventeen years; and it shall be lawful for said board of control to place in the care of any resident of this State, who is the head of a family and of a good, moral character, any of the boys of said school on such conditions, and with such stipulations as the board may establish: *Provided*, No boy shall be placed in the care of any person who shall be engaged in the sale of intoxicating drinks, or who is in the habit of getting drunk. It shall be the duty of the board of control, and they shall have power to return any boy to the authorities of the county or city from which he shall have been received, whom the said board may deem to be an improper subject for their care and management, or who shall be found to be incorrigible, or whose continuance in the school they may deem prejudicial to the management or discipline thereof, or who ought, in their judgment, for any other cause to be returned from said school. In every such case it shall be the duty of said board of control to transmit to the court, or magistrate by whom said boy was committed to said school, a statement of the reasons of said return, and it shall be the duty of the authorities

Sections amended.

Age of boys subject to sentence.

Exception.

To Reform School, term of.

Certificate.

Proviso.

Idem as to approval of judgment by circuit or probate judge.

As to discipline, etc., of those committed.

Term of.

May be placed in families.

Proviso.

May return incorrigibles, etc.

When done, to transmit reasons to court, etc., committing.

Boy to be produced in court and proceedings taken as in first instance.

Leave of absence.

Return of boy to parents, etc.

Agent of Reform School, duties of, etc.

Expenses of.

of the city or county to whom said boy shall be returned, to produce said boy before the court, or magistrate, by whom said boy was tried, convicted, and committed, or his successor in office, as soon as the same can reasonably be done; and such court or magistrate shall have power thereon to make such order and have such proceedings as would have been legal in the first instance, and would have been made or had in the case, if the boy had not been sent to the Reform School. Said board of control shall also be authorized, when in their judgment it may be deemed proper or expedient, to give boys leave of absence, in writing, with conditions therein expressed, for a limited period, or during good behavior, and in case of misconduct or other satisfactory reasons, they may reclaim and return to the care of the school for such time as they were originally sentenced without other trial or commitment, or process of law, any boy granted such leave of absence; their further detention shall in no way be affected thereby, either to their prejudice or advantage. Said board of control shall also have power to return any boy to his parents, or other guardian, when they shall have become bound in sufficient sureties for the good behavior and care of such boy.

SEC. 15. Said board of control shall have the authority to designate some officer, teacher, or other employé of said board to be the agent thereof, who shall be known as the agent of the Reform School, and shall act in that capacity during the pleasure of said board. The duties of said agent shall be prescribed by said board and shall include visiting, at such times as said board shall direct, the wards of said board who shall have been placed in families or are released from the school on leave of absence, and report to said board the condition of said wards. It shall also be his duty to investigate applications for boys from the Reform School, and to find suitable homes for them. The necessary traveling expenses of said agent shall first be examined and certified to as correct by said board of control and shall then be audited by the Board of State Auditors and paid from the general fund.

This act is ordered to take immediate effect.

Approved June 10, 1885.

[No. 173.]

AN ACT to amend sections sixty-nine hundred and forty-seven and sixty-nine hundred and forty-eight of Howell's Annotated Statutes, being compiler's sections fifty-three hundred and eighty-two and fifty-three hundred and eighty-three of the compiled laws of eighteen hundred and seventy-one, relative to assignment of judgments in justices' courts.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections six thousand nine hundred and forty-seven and six thousand nine hundred and forty-eight of Howell's Annotated Statutes, being compiler's sections five thousand three hundred and eighty-two and five thousand three hundred and eighty-three of the com-

piled laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

SEC. 6947. Whenever an execution may by law be issued upon any judgment rendered by a justice of the peace, for twenty dollars or over exclusive of costs, the party in whose favor such judgment shall have been rendered, his assignee or the attorney of either of the parties may make and deliver to the justice of the peace having the control of such judgment, an affidavit, setting forth in substance, that the deponent knows, or has good reason to believe, and does believe, that there are not sufficient goods and chattels liable to execution to satisfy such judgment, within the county in which such judgment was rendered, belonging to such person or persons against whom such execution may issue; and thereupon it shall be the duty of the justice of the peace having the control of such judgment, rendered by himself or any other justice, on the demand of any person in whose favor the same shall have been rendered, his assignee or the attorney of either of the parties to give a certified transcript of such judgment and of the proceedings in the case, so far as they appear upon the docket, together with the original security for stay of execution, if any such security shall have been given, and the original affidavit required by the preceding provisions of this section.

Affidavit in case of insufficiency of goods to satisfy judgment.

Duty of justice.

SEC. 6948. If the plaintiff, his assignee, or the agent or attorney of either of the parties shall make an affidavit stating the amount due upon such judgment, it shall be the duty of the clerk of the circuit or district court for the county in which such judgment shall have been rendered, to file such transcript and security for stay of such execution in his office when requested, and to enter and docket the judgment in a book to be kept by him for that purpose, noting therein the time of receiving it and the amount sworn to be due.

Duty of clerk of circuit or district court.

Approved June 10, 1885.

[No. 174.]

AN ACT to provide for bringing suits against coöperative and mutual benefit insurance societies and associations organized under the laws of other States or territories and doing business in this State.

SECTION 1. *The People of the State of Michigan enact*, That every mutual benefit society or association organized or incorporated under the laws of any other State, territory, or country for the purpose of paying a sum of money to some beneficiary upon the death of a member thereof, shall, before doing business in this State, make and file with the Commissioner of Insurance, within sixty days after this act takes effect, a written agreement, signed by its presiding officer, secretary, or other officer having the custody of the seal of such society or association, that service of any process, as the commencement of suit against such society or associa-

Process may be served on agent of company.

Agreement to be filed with Commissioner of Insurance.



tion, may be made by serving a true copy thereof upon the agent or attorney of such society or association, within this State, as shall be designated in said agreement.

Service may run into any county and to be deemed sufficient.

SEC. 2. The service of any such process, as aforesaid, may be made on any such designated agent or attorney and run into any county of this State, and shall be deemed a sufficient service of said process against the society or association making the designation of such agent or attorney.

Failure to file agreement.

SEC. 3. In case any such society or association shall fail to file such agreement, as aforesaid, with the Commissioner of Insurance the service of any such process as aforesaid, may be made upon the presiding officer of any such society or association, or any local branch, organization, or subordinate body thereof within this State, with like force and effect as if made on a designated agent or attorney of such society or association under this act.

To apply to.

SEC. 4. This act shall apply to all coöperative and mutual benefit or insurance societies or associations aforesaid now doing business in this State.

This act is ordered to take immediate effect.

Approved June 10, 1885.

### [No. 175.]

AN ACT to amend section twenty-five of act one hundred and thirty-seven of the laws of eighteen hundred and forty-nine, relative to authorizing proceedings against garnishees and for other purposes, and to add a new section thereto to stand as section twenty-eight.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-five of act one hundred and thirty-seven of the laws of eighteen hundred and forty-nine, being section eight thousand and fifty-five of Howell's Annotated Statutes of eighteen hundred and eighty-two be amended and a new section added to said act to stand as section twenty-eight, said sections respectively to read as follows:

Corporations liable as garnishees.

SEC. 25. Corporations (whether foreign or domestic), other than municipal, may be proceeded against as garnishees, in the same manner and with like effect, as individuals under the provisions of this act and the rules of law regulating proceedings against corporations, and the summons against the garnishee in such case may be served on the president, cashier, secretary, treasurer, general or special agent, superintendent (chief clerk), or other principal officer of such incorporation, and it shall be the duty of such officer so sued, or of the proper officer of such corporation having knowledge of the facts, to appear before the justice at the return day of such summons; or in case such corporation has its business office in any township other than that in which said justice holds his office to answer at his option, in writing, verified by his oath, before some person authorized to administer oaths, and transmit the same, by mail or otherwise, to the justice issuing said summons,

Service of summons.

Answer.

on or before the return day thereof, which shall be deemed a sufficient compliance with such summons; and unless he shall so appear, or so answer, such corporation shall be held to be indebted to the defendant on the original suit to the amount of any judgment that may be made against such defendant in said original suit, unless within three days after the return day of such summons such corporation shall by such officers show a sufficient reason, to the satisfaction of the justice, for not appearing to answer such summons, and shall then appear and answer said summons; and the justice shall thereupon, on the third secular day, render judgment against such corporation, as against other garnishees, for the amount of such debt, and with like effect; but on such cause shown, such officer may be examined as other garnishees, and with like effect as against the corporation he represents. Such corporation, or the plaintiff in such suit, may appeal from such judgment rendered under this section to the circuit court of the proper county, in the same manner as appeals may be taken from any other judgments of a justice of the peace, where the liability of such corporation may be fully enquired into: *Provided*, As provided by law, that when such corporation shall wish to appeal, in cases where they have not answered as garnishees, they shall, in addition to the other requirements of law, file with the justice a full and complete answer, in writing, as such garnishee, verified by the oath of one of the officers having knowledge of the facts, which said officer shall also answer under oath all questions put to him by such justice relating to the matter of such suit; and thereupon the said justice shall, within the time required for making such return of such appeal, at the option of the plaintiff, either make such returns or set aside the judgment rendered against said corporation, by entry thereof upon his docket and across the face of such judgment, in which event the said corporation, if it has not already paid all costs in such suit, shall be liable for the same.

Failure to answer subjects corporation to payment of judgment against defendant.

Judgment against corporation.

Appeal.

Proviso.

Answer on appeal.

Return of appeal, or setting aside of judgment.

Costs of suit.

SEC. 28. When the examination or disclosure of the garnishee shall disclose that any other person or corporation than the defendant claims in whole or in part the money, property, or indebtedness due by him, or in his possession, and the name and residence of such claimant, the garnishee may deliver such money, property, or indebtedness to the justice, who shall cause to be served on such claimant a written notice to appear in said court and maintain his said claim; such notice shall contain the name of the parties to the principal and garnishee suits, the name and place of residence of the justice, the return day or adjourned day of the garnishee suit, and the substance or a copy of the disclosure, and shall be served at least ten days before the return or adjourned day of the garnishment suit; the notice may be served in the same or any adjoining county; in other respects it shall be served in the same manner as summonses from justices' courts; for the purpose of giving an opportunity of serving the notice above provided, it shall be the duty of the justice, on the return day of the garnishment suit, if requested by the garnishee, to adjourn such suit not less than ten or more than thirty days. After the service of such notice

In what case garnishee to deliver money, etc., to the justice.

Justice to cause notice to be served on claimant.

To state what, when, and where to be served.

Adjournment.

When garnishee discharged from liability. and the payment or delivery to the justice of the money, property, or indebtedness, as above provided, the garnishee shall be discharged from all liability to any person in respect to the money or property so paid or delivered; and the proof of the service of such notice filed in the suit, and the certificate or docket entry made by the justice of such payment or delivery, shall be *prima facie* evidence of the facts stated therein. The claimant shall appear in the suit on the return or adjourned day named in the notice served upon him as aforesaid, and in default thereof judgment shall be rendered against him in respect to his claim.

Proof of service, etc. The defendant or defendants so notified shall be considered as defendants in the place and stead of the garnishee, and an issue may be formed between the plaintiff and such defendants in the same manner as provided in section ten of act number one hundred and thirty-seven of the session laws of eighteen hundred and forty-nine, being section eight thousand and forty of Howell's Annotated Statutes of eighteen hundred and eighty-two; the issue may be tried by the justice or by a jury, as in other cases, and such judgment shall be rendered between the parties as shall be just, and such substituted defendant or claimant shall have the same right to appeal as the original garnishee: *Provided*, That this section shall not be operative when the answer of the garnishee shall disclose that such claimant does not reside in the county where such disclosure is made, or in any adjoining county; nor in case such claimant is a corporation and its principal place of business is not in the same or any adjoining county.

Judgment by default against claimant. Who defendant, etc. Right to appeal. Proviso.

Approved June 10, 1885.

[No. 176.]

AN ACT to amend section twenty-nine of chapter two hundred and two of the compiled laws of eighteen hundred and seventy-one, relative to garnishees, being section eight thousand and eighty-five of Howell's Annotated Statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-nine of chapter two hundred and two of the compiled laws of eighteen hundred and seventy-one, relative to garnishees, being section eight thousand and eighty-five of Howell's Annotated Statutes be amended so as to read as follows:

When answer of garnishee shows other person than defendant as claiming the property.

SEC. 2. When the answer of the garnishee shall declare that any other person than the defendant claims the indebtedness or property in his hands, or part thereof, and the name and residence of such claimant, if residing within the county or an adjoining county, the court may on motion order that such claimant be interpleaded as a defendant to the garnishee action, and that notice thereof, setting forth the fact, with a copy of such order, in such form as the court shall direct, be served upon him, and after such service shall have been made the garnishee may pay or deliver such indebtedness or property to the clerk of the court, and have a receipt

therefor, which shall be a complete discharge from all liability to any party for the amount so paid or the property so delivered. Such notice shall be served in the manner required for service of a summons in a civil action. Upon such service being made such claimant shall be deemed a defendant to the garnishee action, and within twenty days shall answer, setting forth his claim, or any defense which the garnishee might have made. In case of default judgment may be rendered, which shall conclude any claim upon the part of such defendant. For the purpose of trying the title as between the plaintiff and any defendant or defendants, and between two or more defendants so interpleaded, to the money, property, or indebtedness, paid to or delivered to the clerk as aforesaid, the court may order an issue to be formed, and may proceed to try the same, or direct the trial thereof by a jury as in other cases. Such issue may be in the form provided in this act to be formed between the plaintiff and the garnishee, and the judgment or judgments entered therein shall have the same force and effect as in suits between the same parties relative to the same subject matter.

Trial of title as between plaintiff, defendant, etc., so interpleaded.

Approved June 10, 1885.

[No. 177.]

AN ACT to prohibit the use of the words "warranty deed," or similar words on any deed except on warranty deeds.

SECTION 1. *The People of the State of Michigan enact*, That no person shall print, sell, or keep for sale any blank forms of deeds containing the words "warranty deed," or "warranty deed-covenant-own acts," or any similar words printed or written thereon, unless such deed is in fact an absolute warranty deed. No person shall knowingly use any such deed for the purpose of conveying title unless the same is an absolute warranty deed: *Provided*, That all such blank deeds now printed and kept for sale shall not be affected by the provisions of this act if the person selling or offering such blank deeds for sale shall erase with ink any such words printed or written on such deeds.

Certain blank forms of deeds, printing, sale, and use of prohibited.

Proviso.

SEC. 2. Any person found guilty of an offense against the provisions of section one of this act shall be punished by fine not exceeding twenty-five dollars or by imprisonment not exceeding thirty days.

Penalty for.

Approved June 10, 1885.

[No. 178.]

AN ACT to amend section fifteen of chapter two hundred and fifty-nine of the compiled laws of eighteen hundred and seventy-one, being section ninety-four hundred and sixty-eight of Howell's Annotated Statutes, relative to the exclusion of witnesses and minors during trials before magistrates.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of chapter two hundred and fifty-nine of the compiled

Section amended.

laws of eighteen hundred and seventy-one, being section ninety-four hundred and sixty-eight of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Exclusion during examination, of certain witnesses.

Separation of.

Exclusion of minors.

§9468. SEC. 15. The magistrate, while conducting such examination, may exclude from the place of examination all the witnesses who have not been examined; and he may also, if requested, or if he see cause, direct the witnesses, whether for or against the prisoner, to be kept separate, so that they cannot converse with each other until they shall have been examined. And such magistrate may, in his discretion, also exclude from the place of examination, any or all minors during the examination of such witnesses.

Approved June 10, 1885.

[No. 179.]

AN ACT to provide that all sureties upon official bonds shall make justification under oath of their pecuniary responsibility.

Bond not to be accepted until sureties have justified.

Justification to equal, and show, etc.

Oath to be administered by; false statement deemed to be perjury.

Acceptance of bond without justification a misdemeanor, and liability for damage incurred.

SECTION 1. *The People of the State of Michigan enact*, That hereafter no bond required by law to be signed by surety or sureties shall hereafter be received and accepted or approved by any officer or other person or board whose duty it is or may be to accept or approve of any such bond unless the surety or sureties signing such bond shall first have justified their pecuniary responsibility under their signature, in writing, endorsed on said bond or attached thereto. And before any such bond shall be received and approved or accepted, the justification of the sureties thereof shall, in the aggregate, equal the penal sum of the bond, and show that the sureties thereof are worth in unencumbered property not exempt from execution under the laws of this State the penal sum thereof, after payment of all just debts, claims, and liabilities.

SEC. 2. Such oath of justification shall be administered by some officer authorized by law to administer oaths, and any person knowingly or willfully making any false statement of his pecuniary responsibility in such justification shall be guilty of perjury and liable, upon conviction thereof, to the penalty of perjury.

SEC. 3. Any person or persons receiving and accepting or approving any such bond without such justification shall be guilty of a misdemeanor, and shall further be liable for all damages that may be sustained or incurred by any person by reason of such defective bond being accepted or approved.

Approved June 10, 1885.

[No. 180.]

AN ACT making appropriations for the Board of Fish Commissioners for the year ending June thirtieth, eighteen hundred and eighty-six, and the year ending June thirtieth, eighteen hundred and eighty-seven.

SECTION 1. *The People of the State of Michigan enact*, That the



sum of twelve thousand dollars (\$12,000) is hereby appropriated for the year commencing July first, eighteen hundred and eighty-five, and ending June thirtieth, eighteen hundred and eighty-six; and the sum of twelve thousand dollars (\$12,000) is hereby appropriated for the year commencing July first, eighteen hundred and eighty-six and ending June thirtieth, eighteen hundred and eighty-seven, for the necessary current expenses of the State Board of Fish Commissioners during those years, which the State Treasurer shall pay to said board on the warrants of the Auditor General from time to time as their vouchers for the same shall be exhibited and approved.

Appropriation  
made for cur-  
rent expenses.

How paid.

SEC. 2. That the further sum of eight thousand dollars (\$8,000) is hereby appropriated for use by said board for the year ending June thirtieth, eighteen hundred and eighty-six, for the purchase of land, the erection and repair of buildings and ponds and for additional equipment for the several stations for propagating white fish and other food fishes, and for prosecuting the work entrusted by law to said board. The further sum of seven hundred dollars (\$700) is hereby appropriated to cover deficiency for the year eighteen hundred and eighty-two, this sum to be credited to said board during the current year ending June thirtieth, eighteen hundred and eighty-five.

Further appro-  
priation.

SEC. 3. The sum of twenty thousand and seven hundred dollars (\$20,700) the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and eighty-five, and the further sum of twelve thousand dollars (\$12,000) he shall add to and incorporate with the State tax for the year eighteen hundred and eighty-six, which sums when collected shall be paid into the State treasury to reimburse the same for the amounts to be drawn as provided in sections one and two of this act.

Tax for.

Ordered to take immediate effect.

Approved June 10, 1885.

[No. 181.]

AN ACT to amend section five of act number thirty-one, session laws of eighteen hundred fifty-eight, being section fifty-three hundred and ninety-four of Howell's Annotated Statutes of eighteen hundred eighty-two, relative to the sale and reclamation of swamp lands and securing pre-emption of settlers.

SECTION 1. *The People of the State of Michigan enact*, That section five thousand three hundred and ninety-four of Howell's Annotated Statutes of eighteen hundred and eighty-two, being section five of act number thirty-one of session laws of eighteen hundred and fifty-eight, relative to the sale and reclamation of swamp lands, and securing pre-emption of settlers, be amended so as to read as follows:

Section  
amended.

(5394) SEC. 5. All moneys heretofore received and all moneys hereafter received from the sale of swamp lands donated by the aforesaid act of Congress, after deducting the expense of sales:

Receipts from  
sales to what  
purposes ap-  
plied.

Fifty per cent shall be denominated a primary school fund, and the interest thereof at five per centum per annum shall be appropriated and distributed in like manner as the primary school fund of this State; and fifty per cent shall be denominated a swamp land fund, and the interest thereof at five per centum shall be paid over annually to the order of the board of supervisors of the several counties in the proportion in which the same is received from the sales in said counties respectively (out of the general fund of the State), to be used as said board shall direct in draining and reclaiming swamp lands in said county, and all moneys received on such sales as aforesaid shall be used and applied to the payment of the outstanding indebtedness of the State in the order in which the same shall fall due.

This act is ordered to take immediate effect.

Approved June 10, 1885.

[No. 182.]

AN ACT to provide for the appointment of a State Live Stock Sanitary Commission and a State Veterinarian, and to prescribe their powers and duties, and to prevent and suppress contagious and infectious diseases among the live stock of the State.

The State live stock sanitary commission.

To consist of three persons practical agriculturists.  
To be appointed by the Governor, etc.  
Term of office.

When to be appointed.

Veterinary surgeon.

Term of office.

Constitutional oath of office.

SECTION 1. *The People of the State of Michigan enact*, That a commission is hereby established which shall be known under the name and style of "The State Live Stock Sanitary Commission." The commission shall consist of three commissioners who are practical agriculturists and engaged in the live stock industries of the State, who shall be appointed by the Governor with the advice and consent of the Senate. One shall be appointed for the term of six years, one for the term of four years, and one for the term of two years, whose term of office shall commence on the second Tuesday of July of the year in which they are appointed and shall continue until their successors are appointed and qualified. And at each succeeding biennial session of the Legislature there shall be appointed in like manner one commissioner who shall hold his office six years or until his successor is appointed and qualified. The Governor shall also appoint with the advice and consent of the Senate a competent and skilled veterinary surgeon for the State, who, at the time of such appointment shall be a graduate in good standing of a recognized college of veterinary surgery and who shall hold his office two years from the second Tuesday of July of the year he is appointed and until his successor is appointed and qualified. The Governor shall also appoint every two years thereafter a competent and skilled veterinarian having the qualifications above mentioned, whose term of office shall be for two years or until his successor is appointed and qualified.

SEC. 2. Said commissioners and veterinary surgeon before they enter upon the duties of their office shall each take and subscribe the constitutional oath of office and file the same with the Secretary of State.

SEC. 3. Each commissioner shall receive the sum of three dollars per day and necessary expenses for the time actually spent in the discharge of his duties; and the veterinary surgeon shall receive the sum of five dollars per day and necessary expenses for time when employed.

Compensation of commissioner and veterinary surgeon.

SEC. 4. It shall be the duty of the commission to protect the health of the domestic animals of the State from all contagious or infectious diseases of a malignant character, and for this purpose it is hereby authorized and empowered to establish, maintain and enforce such quarantine, sanitary and other regulations as it may deem necessary.

Duty of the commission.

Quarantine regulations, etc.

SEC. 5. It shall be the duty of any person who discovers, suspects, or has reason to believe that any domestic animal belonging to him, in his charge, or that may come under his observation, belonging to other parties, is affected with any disease, whether it be a contagious or infectious disease, to immediately report such fact, belief, or suspicion to the health officer, president, or clerk of the local board of health.

Duty of persons to report contagious or infectious disease to health officer, etc.

SEC. 6. It shall be the duty of the local board of health to keep a record of all cases in a suitable book provided for that purpose, which record shall include a statement of the age, sex, and distinguishing characteristics of the animal; and further, it shall be the duty of said local board of health, or any member thereof, to immediately examine, either in person or by a qualified person appointed by said board, all animals reported to be diseased; and if they or their agents find that such animal or animals are affected with a contagious or infectious disease, to immediately report the same to the commission or some member thereof; and the said local board of health shall promptly take such measures as it shall deem expedient and necessary to prevent the spread of the disease, until the commission shall be able to relieve it from the charge or care of such animal or animals. All expenses incurred by said local board of health and its agents in carrying out the provisions of this act, shall be paid in the same manner as are those of the commission.

Record to be kept by local board of health. To include what.

To examine animals reported to be diseased. To report.

Board of Health to prevent spread of the disease.

Expenses, how paid.

SEC. 7. The commission or any member thereof to whom the existence of any infectious or contagious disease of domestic animals is reported shall forthwith proceed to the place where such domestic animal or animals are and examine the same, and if in his or their opinion any infectious or contagious disease does exist he or they shall prescribe such temporary quarantine and regulations as will prevent the spread of the contagion or infection, and notify the State Veterinarian, who shall forthwith proceed to the place where said contagious or infectious disease is said to exist and examine said animal or animals and report his or their finding to the said commission, who then shall prescribe such rules and regulations as in their judgment the exigencies of the case may require for the effectual suppression and eradication of the disease, and for that purpose the said commission may list and describe the domestic animals affected with such disease and those which have been exposed thereto and included within the infected district or prem-

Commission to quarantine.

To notify the State veterinarian.

To report to the commission.

Powers and duties of the commission and veterinarian.

ises, so defined and quarantined with such reasonable certainty as would lead to their identification, and no domestic animal liable to become infected with the disease or capable of communicating the same shall be permitted to enter or leave the district, premises, or grounds so quarantined, except by the authority of the commission. The said commission shall also, from time to time, give and enforce such directions, and prescribe such rules and regulations as to separating, mode of handling, treating, feeding, and caring for such diseased and exposed animals as it shall deem necessary to prevent the two classes of animals from coming in contact with each other, and perfectly isolate them from all other domestic animals which have not been exposed thereto and which are susceptible of becoming infected with the disease, and the said commission and veterinarian are hereby authorized and empowered to enter upon any grounds or premises to carry out the provisions of this act. When in the opinion of the commission it shall be necessary to prevent the further spread of any contagious or infectious disease among the live stock of the State, to destroy animals affected with or which have been exposed to any such disease, it shall determine what animals shall be killed, and appraise the same, as hereinafter provided, and cause the same to be killed and the carcasses disposed of as in their judgment will best protect the health of domestic animals of the locality.

To notify the  
Governor of  
quarantine.

Governor to is-  
sue quarantine  
proclamation.

SEC. 8. When the commission shall have determined the quarantine and other regulations necessary to prevent the spread among domestic animals of any malignant, contagious, or infectious disease found to exist among the live stock of the State, and given their order as hereinbefore provided, prescribing quarantine and other regulations, it shall notify the Governor thereof, who shall issue his proclamation proclaiming the boundary of such quarantine and the orders, rules, and regulations prescribed by the commission, which proclamation may be published by written or printed hand bills posted within the boundaries or on the lines of the district, premises, places, or grounds quarantined: *Provided*, That if the commission decide that it is not necessary, by reason of the limited extend of the district in which such disease exists, that a proclamation should be issued, then none shall be issued, but such commission shall give such notice as may to it seem best to make the quarantine established by it effective.

Commission  
to appraise ani-  
mal ordered  
killed.

SEC. 9. Whenever the commission shall direct the killing of any domestic animal or animals it shall be the duty of the commissioners to appraise the animal or animals condemned, and in fixing the value thereof the commissioners shall be governed by the value of said animal or animals at the date of appraisement.

To issue a  
certificate to  
owner.

SEC. 10. Whenever any live stock shall be appraised and killed by order of the commission, it shall issue to the owner of the stock so killed a certificate showing the number and kind of animals killed, and the amount in their judgment, to which the owner is entitled, and report the same to the Governor of the State, which certificate, if approved by the Governor, shall be presented to the Auditor General, who shall draw his warrant on the State Treasurer for the

To report the  
same to the  
Governor.

amount therein stated, payable out of any money in the treasury not otherwise appropriated. Auditor General to draw his warrant for amount.

SEC. 11. When any animal or animals are killed under the provisions of this act, by order of the commission, the owner thereof shall be paid therefor the appraised value as fixed by the appraiser hereinbefore provided for: *Provided*, The right of indemnity on account of animals killed by order of the commission under the provisions of this act, shall not extend to the owners of animals which have been brought into the State in a diseased condition, or from a State, country, territory, or district in which the disease with which the animal is affected, or to which it has been exposed, exists. Nor shall any animal be paid for by the State which may be brought into the State in violation of any law or quarantine regulation thereof, or the owner of which shall have violated any of the provisions of this act, or disregarded any rule, regulation, or order of the live stock sanitary commission or any member thereof. Nor shall any animal be paid for by the State which came into the possession of the claimant with the claimant's knowledge that such animal was diseased, or was suspected of being diseased, or of having been exposed to any contagious or infectious disease. Owner to be paid for animal killed. Proviso.

SEC. 12. Any person who shall have in his possession any domestic animal affected with any contagious or infectious disease, knowing such animal to be so affected, or after having received notice that such animal is so affected, who shall permit such animal to run at large, or who shall keep such animal where other domestic animals not affected by or previously exposed to such disease may be exposed to its contagion or infection, or who shall sell, ship, drive, trade, or give away such diseased animal or animals which have been exposed to such infection or contagion, or who shall move or drive any domestic animal in violation of any direction, rule, or regulation, or order establishing and regulating quarantine, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than five hundred dollars for each of such diseased or exposed domestic animals which he shall permit to run at large or keep, sell, ship, drive, trade, or give away in violation of the provisions of this act: *Provided*, That any owner of any domestic animal which has been affected with or exposed to any contagious disease may dispose of the same, after having obtained from the State veterinarian a certificate of health for such animal. Keeping a domestic animal affected with any contagious disease a misdemeanor. Penalty. Proviso.

SEC. 13. Any person who shall knowingly bring into this State any domestic animal which is affected with any contagious or infectious disease, or any animal which has been exposed to any contagious or infectious disease, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five thousand dollars. Penalty for bringing diseased animals into the State.

SEC. 14. Any person who owns or is in possession of live stock which is affected, or which is suspected or reported to be affected with any infectious or contagious disease, who shall willfully prevent or refuse to allow the State veterinarian or commissioner or other authorized officer or officers to examine such stock, or shall Penalty for refusing to allow the veterinarian, etc., to examine stock.



hinder or obstruct the State veterinarian or other authorized officer or officers in any examination of or in an attempt to examine such stock, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than five hundred dollars.

Penalty for violation of act.

SEC. 15. Any person who shall willfully violate, disregard or evade, or attempt to violate, disregard or evade any of the provisions of this act, or who shall willfully violate, disregard or evade any of the rules, regulations, orders or directions of the live stock sanitary commission establishing and governing quarantine, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than five hundred dollars.

Authorized to employ persons and purchase supplies, etc.

SEC. 16. The commission provided for in this act shall have power to employ at the expense of the State such persons and purchase such supplies and material as may be necessary to carry into full effect all orders by it given.

May call upon the sheriff, etc., to execute orders.

SEC. 17. The commissioners shall have power to call upon any sheriff, under-sheriff, deputy sheriff, or constable to execute their orders, and such officers shall obey the orders of said commissioners,

Compensation.

and the officers performing such duties shall receive compensation therefor as is prescribed by law for like services, and shall be paid

May arrest.

therefor in like manner. And any officer may arrest and take before any justice of the peace of the county any person found violating any of the provisions of this act, and such officer shall immediately notify the prosecuting attorney of such arrest, and he shall prosecute the person so offending according to law.

Duty of prosecuting attorney.

Governor to issue proclamation prohibiting the importation of live stock, etc.

SEC. 18. Whenever the Governor of the State shall have good reason to believe that any dangerous, contagious, or infectious disease has become epizootic in certain localities in other States, territories or countries, or that there are conditions which render such domestic animals from such infected districts liable to convey such disease, he shall by proclamation prohibit the importation of any live stock, of the kind diseased into the State, unless accompanied by a certificate of health given by a duly authorized veterinary surgeon; and all such animals arriving in this State shall be examined immediately by the commission or some member thereof, and if he or they deem necessary he or they shall have said animals inspected by the State veterinary surgeon, and if in his opinion there is any danger from contagion or infection, they shall be placed in close quarantine until such danger of infection or contagion is passed, when they shall be released by order of said commission or some member thereof.

To be examined and quarantined.

May administer oaths, etc.

SEC. 19. For the purposes of this act each member of the live stock sanitary commission is hereby authorized and empowered to administer oaths and affirmations.

Required to co-operate with boards acting under act of Congress.

SEC. 20. This commission is hereby authorized and required to coöperate with any board or commission acting under any present or future act of Congress for the suppression and prevention of contagious or infectious diseases among domestic animals, and the same right of entry, inspection and condemnation of diseased

animals upon private premises is granted to the United States board or commission as is granted to the commission granted under this act. Authority of U. S. board.

SEC. 21. The commission shall make biennially a detailed report of its doings to the Governor, which report shall be transmitted to the Legislature at its regular biennial session. To report to the Governor, etc.

SEC. 22. Nothing in the provisions of this act shall be construed so as to include sheep or horses. Sheep and horses excepted.

Ordered to take immediate effect.

Approved June 10, 1885.

[No. 183.]

AN ACT for the apportionment of Senators in the State Legislature.

SECTION 1. *The People of the State of Michigan enact*, That this State shall be and is hereby divided into thirty-two Senate Districts (each district to be entitled to one Senator), which shall be constituted as follows, viz.: Senate districts.

*First District*—The first district shall consist of the fifth, seventh, ninth, eleventh, thirteenth, and fifteenth wards of the city of Detroit, county of Wayne, and the townships of Hamtramck and Grosse Point, in said county, and election returns shall be made to the county clerk's office in the county of Wayne;

*Second District*—The second district shall consist of the first, second, third, fourth, and sixth wards of the city of Detroit, and the townships of Greenfield, Redford, Livonia, and Plymouth, county of Wayne, and the election returns shall be made to the county clerk's office in the county of Wayne;

*Third District*—The third district shall consist of the eighth, tenth, twelfth, fourteenth, and sixteenth wards of the city of Detroit, and the townships of Springwells, Dearborn, Nankin, Canton, Van Buren, Romulus, Taylor, Ecorse, Sumpter, Huron, Brownstown, and Monguagon, and the city of Wyandotte, county of Wayne, and the election returns shall be made to the county clerk's office in the county of Wayne;

*Fourth District*—The fourth district shall consist of the counties of Washtenaw and Monroe, and the election returns shall be made to the clerk's office in the county of Washtenaw;

*Fifth District*—The fifth district shall consist of the county of Lenawee;

*Sixth District*—The sixth district shall consist of the counties of Jackson and Hillsdale, and the election returns shall be made to the county clerk's office in the county of Hillsdale;

*Seventh District*—The seventh district shall consist of the counties of Branch and Calhoun, and the election returns shall be made to the county clerk's office in the county of Calhoun;

*Eighth District*—The eighth district shall consist of the counties of St. Joseph and Kalamazoo, and the election returns shall be made to the county clerk's office in the county of Kalamazoo;

*Ninth District*—The ninth district shall consist of the counties of Berrien and Cass, and the election returns shall be made to the county clerk's office in the county of Berrien;

*Tenth District*—The tenth district shall consist of the counties of Van Buren and Allegan, and the election returns shall be made to the county clerk's office in the county of Allegan;

*Eleventh District*—The eleventh district shall consist of the counties of Barry and Eaton, and the election returns shall be made to the county clerk's office in the county of Eaton;

*Twelfth District*—The twelfth district shall consist of the counties of Shiawassee and Ingham, and the election returns shall be made to the county clerk's office in the county of Ingham;

*Thirteenth District*—The thirteenth district shall consist of the counties of Livingston and Genesee, and the election returns shall be made to the county clerk's office in the county of Genesee;

*Fourteenth District*—The fourteenth district shall consist of the county of Oakland.

*Fifteenth District*—The fifteenth district shall consist of the counties of Macomb and St. Clair, and the election returns shall be made to the county clerk's office in the county of St. Clair.

*Sixteenth District*—The sixteenth district shall consist of the counties of Sanilac and Lapeer, and the election returns shall be made to the county clerk's office in the county of Lapeer;

*Seventeenth District*—The seventeenth district shall consist of the counties of Huron and Tuscola, and the election returns shall be made to the county clerk's office in the county of Tuscola;

*Eighteenth District*—The eighteenth district shall consist of the county of Saginaw;

*Nineteenth District*—The nineteenth district shall consist of the counties of Clinton and Ionia, and the election returns shall be made to the county clerk's office in the county of Ionia;

*Twentieth District*—The twentieth district shall consist of the county of Kent;

*Twenty-first District*—The twenty-first district shall consist of the counties of Muskegon and Ottawa, and the election returns shall be made to the county clerk's office in the county of Ottawa;

*Twenty-second District*—The twenty-second district shall consist of the counties of Mason, Lake, Newaygo and Oceana, and the election returns shall be made to the county clerk's office in the county of Newaygo;

*Twenty-third District*—The twenty-third district shall consist of the counties of Mecosta and Montcalm, and the election returns shall be made to the county clerk's office in the county of Montcalm;

*Twenty-fourth District*—The twenty-fourth district shall consist of the counties of Gratiot, Midland, Gladwin, Clare, and Isabella, and the election returns shall be made to the county clerk's office in the county of Isabella;

*Twenty-fifth District*—The twenty-fifth district shall consist of the counties of Arenac and Bay, and the election returns shall be made to the county clerk's office in the county of Bay;

*Twenty-sixth District*—The twenty-sixth district shall consist of the counties of Oscoda, Ogemaw, Alpena, Alcona, and Iosco, and the election returns shall be made to the county clerk's office in the county of Iosco;

*Twenty-seventh District*—The twenty-seventh district shall consist of the counties of Montmorency, Presque Isle, Roscommon, Missaukee, Kalkaska, Crawford, Otsego, and Cheboygan, and the election returns shall be made to the county clerk's office in the county of Cheboygan;

*Twenty-eighth District*—The twenty-eighth district shall consist of the counties of Benzie, Manistee, Wexford, and Osceola, and the election returns shall be made to the county clerk's office in the county of Osceola;

*Twenty-ninth District*—The twenty-ninth district shall consist of the counties of Manitou, Leelanaw, Charlevoix, Antrim, and Grand Traverse, and the election returns shall be made to the county clerk's office in the county of Grand Traverse;

*Thirtieth District*—The thirtieth district shall consist of the counties of Emmet, Mackinac, Chippewa, Alger, Schoolcraft, and Delta, and the election returns shall be made to the county clerk's office in the county of Delta;

*Thirty-first District*—The thirty-first district shall consist of the counties of Iron, Menominee, and Marquette, and the election returns shall be made to the county clerk's office in the county of Marquette;

*Thirty-second District*—The thirty-second district shall consist of the counties of Keweenaw, Isle Royal, Ontonagon, Baraga, and Houghton, and the election returns shall be made to the county clerk's office in the county of Houghton;

The election returns of each county forming one district shall be made to the county clerk's office of said county.

Approved June 12, 1885.

[No. 184.]

AN ACT to apportion anew the Representatives among the several counties and districts of this State.

SECTION 1. *The People of the State of Michigan enact*, That the House of Representatives shall hereafter be composed of one hundred members, elected agreeably to a ratio of one Representative to every eighteen thousand five hundred and sixty persons, including civilized persons of Indian descent, not members of any tribe, in each organized county, and one Representative to each county having a fraction more than a moiety of said ratio, and not included therein, until the one hundred Representatives are assigned; that is to say within the county of—

Wayne	10	Ratio of representation.
Kent	4	Representative districts.
Saginaw	4	

Lenawee.....	3
Bay.....	2
Allegan.....	2
Berrien.....	2
Calhoun.....	2
Eaton.....	2
Genesee.....	2
Hillsdale.....	2
Ingham.....	2
Ionia.....	2
Jackson.....	2
Kalamazoo.....	2
Lapeer.....	2
Macomb.....	2
Marquette.....	2
Monroe.....	2
Montcalm.....	2
Muskegon.....	2
Oakland.....	2
Ottawa.....	2
Sanilac.....	2
St. Clair.....	2
Shiawassee.....	2
Tuscola.....	2
Van Buren.....	2
Washtenaw.....	2
Branch.....	1
Barry.....	1
Cass.....	1
Clinton.....	1
Gratiot.....	1
Huron.....	1
Houghton.....	1
Isabella.....	1
Livingston.....	1
Manistee.....	1
Mason.....	1
Mecosta.....	1
Menominee.....	1
Newaygo.....	1
Oceana.....	1
St. Joseph.....	1

The counties of Midland, Gladwin, and Clare shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Midland;

The counties of Wexford and Lake shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Wexford;

The counties of Osceola and Missaukee shall constitute a Representative District, and be entitled to one Representative, and the



election returns of said district shall be made to the county of Osceola ;

The counties of Leelanaw and Benzie shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Leelanaw ;

The counties of Ogemaw, Roscommon, Oscoda, and Crawford shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Ogemaw ;

The counties of Arenac, Iosco, and Alcona shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Iosco ;

The counties of Alpena, Otsego, and Montmorency shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Alpena ;

The counties of Cheboygan, Emmet, and Presque Isle shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Cheboygan ;

The counties of Grand Traverse, and Kalkaska shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Grand Traverse ;

The counties of Charlevoix, Antrim, and Manitou shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Charlevoix ;

The counties of Chippewa, Alger, Mackinac, and Schoolcraft shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Chippewa ;

The counties of Delta and Iron shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Delta ;

The counties of Ontonagon, Baraga, Keweenaw, and Isle Royal shall constitute a Representative District, and be entitled to one Representative, and the election returns of said district shall be made to the county of Ontonagon.

Approved June 12, 1885.

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[No. 185.]

AN ACT to provide for the punishment of public officers, their servants and agents, who knowingly and unlawfully appropriate to their own use, or to the use of others, the money or property committed to their care.

SECTION 1. *The People of the State of Michigan enact, That if*

**Appropriations of money, etc., by public officer or agent, when a felony.** any person holding any public office in this State, or if the agent or servant of such person, knowingly and unlawfully appropriates to his own use, or to the use of any other person, the money or property received by him in his official capacity or employment, of the value of fifty dollars or upwards, the person so offending shall

**Punishment for.** be deemed guilty of a felony, and shall, upon conviction, be punished by imprisonment in the State prison, at hard labor, not to exceed ten years, or by fine not exceeding five thousand dollars, or both said fine and imprisonment.

**Property defined.**

SEC. 2. The word property shall be deemed to include all goods, chattels, securities of all kinds, and all instruments written or printed, or partly written and partly printed, the forging or counterfeiting of which is or may be punishable by law.

**What to be prima facie evidence.**

SEC. 3. A failure or refusal of any public officer to pay over and deliver to his successor all moneys and property which should be in his hands as such officer, shall be *prima facie* evidence of an offense against the provisions of section one of this act.

Approved June 12, 1885.

[No. 186.]

AN ACT to prevent deception in the manufacture and sale of dairy products and to preserve the public health.

**Manufacture and sale of oleo-margarine or butterine a misdemeanor.**

SECTION 1. *The People of the State of Michigan enact*, That any person who shall manufacture or sell, or ship into this State "oleo-margarine" or "butterine" so called, or any article in semblance of butter and not the legitimate product of the dairy and not made exclusively of milk or cream, shall be guilty of a misdemeanor, and be punished by a fine of not less than two hundred nor more than five hundred dollars, or not less than six months' or more than one year's imprisonment, or both such fine and imprisonment, for the first offense, and by imprisonment for one year for each subsequent offense.

**Penalty.**

**The manufacture or sale of any oleaginous substance to take the place of butter prohibited.**

SEC. 2. No person shall manufacture out of any oleaginous substance or substances, or any compound of the same, other than that produced from unadulterated milk, or of cream from the same, any article designed to take the place of butter produced from pure unadulterated milk, or cream of the same, or shall sell or offer for sale the same as an article of food. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than two hundred nor more than five hundred dollars, or not less than six months' or more than one year's imprisonment, or both such fine and imprisonment, for the first offense, and by imprisonment for one year for each subsequent offense.

**A misdemeanor. Penalty.**

**Making or selling any article in imitation of butter prohibited.**

SEC. 3. No person by himself or his agents or servants shall render or manufacture out of any animal fat or animal or vegetable oils not produced from unadulterated milk or cream from the same, any article or product in imitation or semblance of or designed to take the place of natural butter produced from pure unadulterated milk

or cream of the same, nor shall he or they mix, compound with, or add to milk, cream or butter any acids, or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream, with design or intent to render, make or produce any article or substance or any human food in imitation or semblance of natural butter, nor shall he sell, keep for sale, or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this State or in any other State or country. Whoever violates the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than two hundred nor more than five hundred dollars, or not less than six months' or more than one year's imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.

SEC. 4. No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils not produced from milk or cream, with intent to sell the same for butter made from unadulterated milk or cream, or have the same in his possession, or offer the same for sale with such intent, nor shall any article or substance or compound so made or produced, or anything designed to take the place of butter be sold for butter. If any person shall coat, powder or color with annatto or any coloring matter whatever any of the above mentioned products or any suine, butterine or oleomargarine, or any compounds of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream whereby the said product, manufacture or compound shall be made to resemble butter, the product of the dairy, or shall have the same in his possession, or shall sell or offer for sale or have in his possession any of the said products which shall be colored or coated in semblance of or to resemble butter, it shall be conclusive evidence of an intent to sell the same for butter, the product of the dairy. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than two hundred nor more than five hundred dollars. This section shall not be construed to impair or affect the prohibitions of section two of this act.

SEC. 5. Upon the application for a warrant under this act, the certificate of the analyst or chemist of the Agricultural College of the State of Michigan of any analysis made by him shall be sufficient evidence of the facts therein stated. Every such certificate shall be duly signed and acknowledged by such analyst or chemist before an officer authorized to take acknowledgments of conveyances of real estate.

SEC. 6. The doing of anything prohibited being done, and the not doing of anything directed to be done in this act, shall be presumptive evidence of a willful intent to violate the different sections and provisions hereof. If any person shall suffer any violation of the provisions of this act by his agent, servant, or in any room or build-

A misdemeanor.

Penalty.

Adding to milk animal fats, etc., and selling the product for pure butter, or having the same in possession prohibited.

The use of coloring matter prohibited.

Having the same in possession shall be evidence of intent to sell.

A misdemeanor.

Penalty.

Certificate of chemist of Agricultural College.

To be signed and acknowledged.

Evidence of intent to violate law.

Responsible for agent, etc.

	ing occupied or controlled by him, he shall be deemed a principal in such violation and punished accordingly.
To prevent deception in the sale of dairy products.	SEC. 7. This act and each section thereof is declared to be enacted to prevent deception in the sale of dairy products, and to preserve the public health which is endangered by the manufacture, sale, or use of the articles or substances herein regulated or prohibited.
Acts repealed.	SEC. 8. All acts inconsistent herewith are hereby repealed.
May surrender certain property to sheriff.	SEC. 9. Any person or persons, copartnership, corporation, or company, having money or property, or both, invested in any machinery, apparatus, or stock used in connection with the manufacture of oleomargarine or any butter substitute, at the time when this act shall take effect, shall have the right to surrender to the sheriff of the county where such property, machinery, or stock is situated, all the property except real estate and buildings thereon invested in or used for the manufacture of such articles, an inventory of which shall, on such surrender, be made by the owner or owners, in connection with said sheriff, and one duplicate copy thereof given to such owner or owners, and the other to said sheriff. And thereupon such owner or owners making such surrender, may commence a suit in the circuit court for the county where such surrender shall be made, against the State, by petition, for the value of such property, a copy of which petition shall be served on the prosecuting attorney of said county. Such petition shall set forth substantially the grounds upon which it is made, and shall request the court, at any regular term thereof, to have the value of all such property assessed by a jury in said court. In such proceeding said commissioner, the prosecuting attorney, or the Attorney General may appear for the State, make answer and defend. And the jury shall proceed, under proper instructions from the court, upon any proper evidence before them, to find by their verdict the value of all the property so surrendered by the owner or owners thereof, and if the jury fail to agree, another jury shall be called, and so on until a verdict shall be agreed upon, and judgment shall be rendered upon said verdict found against the State for the amount so found and costs; and thereupon an execution shall be issued by said court to the sheriff, for the sale of said property so surrendered, as the property of the State, in like manner and upon similar notice as required under executions issued in cases between individuals, and the amount received on such sale shall be paid by the officer receiving the same, to such owner or owners. And in case there shall be any deficiency of proceeds of such sale, for the payment of judgment and costs, this fact, and the amount of such deficiency, shall be certified by the clerk of the court, under his hand and seal, to the Board of State Auditors, a copy at the same time being given to the petitioner or petitioners. And said Board of State Auditors shall thereupon allow to said petitioner or petitioners, the amount of such deficiency, as a debt against the State; and upon their certificate therefor being presented to the Auditor General, shall be allowed by him, and he shall issue his warrant therefor upon the State Treasurer, who is
Inventory.	
May sue the State by petition which shall set forth what.	
Copy of petition to be served on prosecuting attorney.	
Who to appear for the State.	
Jury.	
Execution.	
Deficiency, by whom and to whom certified and by whom paid.	

hereby required to pay the sum out of any moneys in the general fund not otherwise appropriated.

Approved June 12, 1885.

[No. 187.]

AN ACT to amend sections seven and twenty-five of an act entitled "An act for the reorganization of the military forces of the State of Michigan," approved January eighteenth, eighteen hundred and sixty-two, being sections eight hundred and seventy-four and eight hundred and ninety-two of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That sections seven and twenty-five of an act entitled, "An act for the reorganization of the military forces of the State of Michigan," approved January eighteenth, eighteen hundred and sixty-two, being sections eight hundred and seventy-four and eight hundred and ninety-two of Howell's Annotated Statutes, be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 7. The State troops shall be composed of not exceeding thirty-six companies of infantry, beyond which, in time of peace, there shall be no increase. Limitation of number of companies.

SEC. 25. The business of the Quartermaster General's department shall be transacted, and the accounts kept and made out in the same manner, as near as may be, as is required by the system and regulations governing the Quartermaster General's department in the army of the United States, and rendered by him quarterly to the Auditor General. Accounts current of all cash transactions, with proper vouchers, shall be rendered by him monthly to the Auditor General: *Provided however*, That no contract shall be let or entered into on behalf of the State exceeding the expenditure of three hundred dollars for military purposes authorized by this act until a notice calling for bids for such contracts shall have been published at least twenty days in one or more newspapers to be designated by the State Military Board, except that in cases of emergency requiring immediate action the Commander-in-Chief may, by a special order in writing, direct the Quartermaster General to make contracts without such advertisement. Quartermaster General's department accounts, etc., how to be kept. Proviso as to contracts.

Approved June 12, 1885.

[No. 188.]

AN ACT to provide for enclosing, filling or fencing of any shaft, pit hole, or trench on any uninclosed or unoccupied lands within this State.

SECTION 1. *The People of the State of Michigan enact*, That any person or corporation who shall sink, dig or cause to be sunk or dug, any shaft, pit hole or trench on any uninclosed or unoccupied Shafts, etc., must be fenced, etc.



land within this State to a depth of four feet or more for the purpose of exploring for minerals or making other discoveries, shall fill the same or erect or cause to be erected around the same a good substantial fence or enclosure not less than four feet high.

Violation a  
misdemeanor,  
penalty for.

SEC. 2. Any person or agent of any corporation who shall violate the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding one hundred dollars or imprisoned in the county jail for a period not exceeding three months in the discretion of the magistrate before whom the conviction is had, and shall in addition thereto be liable to an action for damages resulting from said non-compliance for injuries to either person or property.

Approved June 12, 1885.

[No. 189.]

AN ACT to amend sections one, three, four, five, six, and seven, of act number one hundred and fifty-six, of the session laws of eighteen hundred eighty-three, being an act creating a Bureau of Labor and Industrial Statistics, and defining the powers and duties of the same.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, three, four, five, six, and seven, of act number one hundred and fifty-six, of the session laws of eighteen hundred eighty-three, being an act creating a Bureau of Labor and Industrial Statistics, and defining the powers and duties of the same, approved June sixth, eighteen hundred eighty-three, be and the same are hereby amended so as to read as follows:

Appointment of  
Commissioner  
of Labor.

SECTION 1. The Governor is hereby authorized and empowered to appoint, within sixty days after this act shall take effect, and every second year thereafter, in the month of February, by and with the advice and consent of the Senate, and also within thirty days after the occurrence of any vacancy in the office, a suitable person, who shall be a citizen of this State, as commissioner, who shall hold his office until his successor is appointed and qualified, the title of which officer shall be Commissioner of Labor. Such commissioner shall keep his office at the capitol, in the city of Lansing, and shall appoint a deputy, whose term of office shall continue during the pleasure of such commissioner. The commissioner may appoint such assistants, from time to time, as shall be necessary for the transaction of the business of his office. Said commissioner, with his deputy, and the Secretary of State, who shall be *ex-officio* member thereof, shall constitute a bureau of statistics of labor.

Term of.

Location of  
office.  
May appoint  
deputy and  
assistants.

Who to consti-  
tute labor bu-  
reau.

Powers of rela-  
tive to examin-  
ing, etc., wit-  
nesses.

SEC. 3. Such bureau, or any member thereof, shall have full power to examine witnesses on oath, compel the attendance of witnesses, the giving of testimony while acting in any part of this State, and witnesses may be summoned by such bureau, or any member thereof, by its process in the same manner, and paid the same fees as are allowed to witnesses attending in the circuit court of any

county: *Provided*, No witness shall be compelled to go outside the county in which he resides, to testify. Proviso.

SEC. 4. The compensation of such commissioner shall be two thousand dollars per annum, and that of his deputy fifteen hundred dollars per annum, which compensation, together with all necessary expenses, including the employment, and paying the expenses of such assistants as are provided for in section one of this act, also the expenses provided for in section three of this act, shall be audited and paid in the same manner as the salaries and expenses of other State officers: *Provided*, The amount thereof, exclusive of the compensation allowed to said commissioner and his said deputy, shall not, in any one year, exceed the sum of six thousand dollars: *And provided, further*, That in addition to the above allowance for expenses, said bureau shall be authorized to have printed, not to exceed two thousand copies of its annual reports for the use of the bureau, for general distribution, and all printing, binding, blanks, or map work shall be done under any contract which the State now has, or shall have for similar work with any party or parties, and the expenses thereof shall be audited and paid for in the same manner as other State printing.

Salaries of commissioner and deputy.

Other expenses.

How provided for and paid.

Proviso.

Idem, as to expense of printing report, etc.

SEC. 5. Said bureau may collect the information called for in section two of this act, or such information as shall by the commissioner be considered essential to perfect the work of the bureau, from the several State, county, city, village, and township officers, and from the officers of prisons, penal and reformatory institutions, or by means of special canvassers under the direction of the commissioner, and it shall be the duty of all such officers to furnish upon the written or printed request of the commissioner, such information as shall be considered necessary for the bureau, upon blanks furnished by said bureau.

How information to be collected.

Duty of officers, etc., to furnish, upon request of commissioner.

SEC. 6. It shall be the duty of the several supervisors of the townships, and the supervisor or assessor of the wards of cities in this State, at the time of assessing the property thereof, to obtain the facts and information determined upon by said bureau, as provided in section five of this act, in accordance with the terms, conditions, and requirements of said blanks, and to return said blanks properly filled and duly certified to, by such officer, without delay to the Commissioner of Labor at Lansing.

Duty of supervisors, etc., as

SEC. 7. Any person who shall willfully and intentionally testify falsely, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the State prison for a period not exceeding five years, and any person who shall refuse to testify before said bureau or before any member thereof, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days, or both in the discretion of the court: *Provided*, That no person or corporation shall be required to answer any question that shall be improper subject of inquiry or foreign to the object of this act.

Testifying falsely, when deemed a felony; penalty for.

Refusal to testify a misdemeanor, penalty for.

Proviso.

Ordered to take immediate effect.

Approved June 12, 1885.

## [No. 190.]

AN ACT making an appropriation of State swamp lands to aid the county of Jackson in straightening and opening a channel or outlet for Portage Lake, and to authorize a tax to complete the same, and to repeal act number one hundred and thirty-two of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize and empower the Board of Control of State swamp lands to make an appropriation of swamp lands to drain certain overflowed lands in Jackson county," approved May tenth, eighteen hundred and eighty-one.

Land appropriated to Jackson county for draining Portage Lake.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of aiding the county of Jackson in straightening and opening a channel or outlet for Portage Lake, in said county, to the end that the large territory now periodically submerged may be reclaimed and the sanitary condition of the lands adjacent thereto improved, there shall be and hereby is appropriated to the county of Jackson, eighteen (18) sections of State swamp land in the Lower Peninsula not otherwise appropriated.

Lands to be withheld from sale.

SEC. 2. Said lands or any part or parts thereof when selected shall be withheld from sale from and after the time said county, its assigns, or its contractor under this act shall notify the Commissioner of the State Land Office of the selection of the same or any such part or parts and shall be withheld for the entire time fixed by this act for the completion of the work. Upon filing with the said Commissioner of the State Land Office the certificate of the commissioner, who shall be appointed, qualified and acting at such time under this act that one-half of said work is completed, one-half of said lands hereby appropriated shall be patented to the contractor under this act, and the remainder shall be patented upon a like certificate of the entire completion of the work.

To be patented when.

Application for appointment of commissioner.

SEC. 3. An application in writing signed by three or more freeholders of the county of Jackson and residing in any of the townships hereinafter named may be presented to the probate court of the county of Jackson for the appointment of a commissioner under this act to superintend the construction of the work herein provided for, and perform such other duties as may devolve upon him by virtue of this act. It shall be sufficient in said petition to refer to this act by number and title for a description of the work for the construction of which said commissioner is petitioned to be appointed. The court to whom such application is made shall at once issue an order directing all persons interested in said petition and the work provided for by this act to appear before such court at a time and place therein to be specified not less than two nor more than four weeks from the time of making such order to show cause why such commissioner should not be appointed and be heard with reference to the appointment of the same. A copy of such order shall be posted up in three public places in each of the townships of Waterloo, Henrietta, Leoni, Blackman, and Rives, in said county of Jackson, at least ten days before the hearing of said petition. Said court shall at the time named in said order, or at such time as

To refer to act.

Order of court for appearance.

To be posted, where and when.

the hearing may be adjourned to, not exceeding thirty days in all from the day first appointed, proceed to hear the proofs and allegations of the parties and if it shall appear that said work is necessary and for the good of the public health or highways and a means of reclaiming swamp and overflowed lands in said townships or along the line of Portage or Grand rivers he shall appoint such commissioner and deliver to the person so appointed a certificate of his appointment and send a certified copy of the order appointing such person as such commissioner to the Commissioner of the State Land Office in this State.

To hear proof and allegations of the parties.

Certificate of appointment.

SEC. 4. The person so appointed shall, within ten days after such appointment, take, subscribe, and file with the county clerk of said county of Jackson, the oath of office required by the constitution of this State; and shall, within the same time, execute and file with such clerk a bond to the county of Jackson, with sufficient surety or sureties, to be approved by said clerk, for the sum of fifteen thousand dollars, conditioned for the faithful performance of the trusts and duties devolved upon him by this act.

When to take the oath of office.

Bond.

SEC. 5. In case of the failure of any person who may be appointed as the commissioner under this act to qualify or act as such commissioner, for any cause, it shall be the duty of the probate court aforesaid, upon petition to said court duly verified, setting forth the facts upon which said petition is based, to proceed in the same manner provided in section three of this act, for the appointment of a commissioner, and appoint some other person as such commissioner.

Appointment of commissioner in case of failure to qualify.

SEC. 6. Said commissioner shall as soon as practicable proceed to examine personally the line of said proposed work, and if in his opinion it is necessary and for the good of the public health that the channel of either or of both of said rivers in or adjacent to the towns named should be opened, deepened, widened, straightened, or otherwise improved, or if he shall deem it more feasible to establish a water-course on the line of the Batteese outlet, and White lake to Grand river, rather than by the Portage river outlet, he shall proceed without petition or other preliminary proceedings to have either or both of said routes surveyed, as a further means of determining the more practicable route, and prepare the necessary plans and specifications and detailed estimates of the expense of opening the necessary water-course, on such route or line as he shall deem most practicable to accomplish the best results, and he shall thus establish by survey the commencement and terminus, and determine upon the route, width, length, and depth thereof, and for such purpose he may enter upon any lands traversed by either of the proposed routes of said work: *Provided*, That said commissioner is hereby authorized and empowered to adopt map and profile made under the direction of Henry H. Bingham, the special commissioner appointed by the Board of Control of State Swamp Lands, for the purpose of carrying out the provisions of act number one hundred and thirty-two of the session laws of eighteen hundred and eighty-one, and to make such alterations therein or additions thereto as in his discretion he may deem expedient. And the said commissioner is hereby given the custody and possession of

To examine line of proposed work.

Batteese outlet, etc., line.

Survey of routes.

Plans, specifications, etc.

Authorized to enter upon lands to determine route, etc.

Proviso.

May adopt the Henry H. Bingham map and profile.

To have possession of the same.

The State divests itself of responsibility.

Commissioner's statement of proposed work.

Notice to be published.

To hear objections of interested parties.

Commissioner's order to state what and be filed where.

Appeal.

When to be taken.  
Appeal bond.

Power of the board of review.

To certify their determination to the county clerk.

Procuring of title to right of way.

said map and profile which is now on file with the Board of Control of State Swamp Lands, and the State thereby divests itself of all interest, responsibility, or liability in relation to the said improvement beyond the grant of lands herein made to the county of Jackson.

SEC. 7. Whenever said commissioner shall have obtained such full information as may be necessary to his determination, including estimates of all probable and contingent expenses, he shall put in writing a statement of the proposed work to accompany such maps and profiles as he may have procured or may adopt, including such statement of the probable effects of the improvements contemplated as to him shall seem reasonable, and shall give at least fifteen days' notice in some newspaper printed in said county of Jackson of the time and place in said county when he will hear the objections of any person or party interested in the said improvement, which notice shall be deemed sufficient to bind all such persons and parties, and at such time and place or on any adjourned day fixed for the consideration of the same, he shall hear and consider any objections which may be made by any interested person or party and any taxpayer of the townships of Waterloo, Henrietta, Leoni, Blackman, or Rives shall be deemed an interested party, and upon such hearing he may determine either for or against the necessity of such improvements or any part thereof, and he shall make an order stating his determination and the work to be done and file the same in the office of the clerk of said county who shall record the same: *Provided however*, That any person or party interested who shall feel himself aggrieved by such determination may appeal therefrom to the board of review hereinafter constituted within ten days after the date of such determination upon giving notice thereof and filing with said commissioner a bond with one or more sufficient sureties to him and his successors in office in the penal sum of one hundred dollars, conditioned to pay the expenses of the appeal in the case that the said determination and order shall not be annulled or materially modified by said board of review, which expenses shall include the per diem services of the members of the said board and all expenditures made necessary by said appeal; and such board of review shall have power upon such appeal to consider the entire matter, to dismiss the appeal and affirm said order or to annul or modify the same as shall in their judgment seem expedient, but not in a manner to increase the expense to be paid by any person or municipal corporation, and the determination upon such appeal shall be certified by a majority of said board of review and the certificate filed with the clerk of said county, who shall record the same, and the order unless annulled as so affirmed or modified shall thereafter, be in force and be carried into effect by the said commissioner.

SEC. 8. Upon the completion of the survey, plans, and specifications of said improvements, the said commissioner shall take steps to procure title to the county of the lands or the right of way necessary therefor, and for this purpose is hereby vested with all the powers conferred upon county or special drain commissioners, and



may proceed without petition or other preliminary proceedings, in the manner provided by law for acquiring title for county drains, or he may proceed under any other law of this State providing for condemning right of way for the drainage of lands, and for the purpose of carrying out the full design and intent of this act, the said commissioner is hereby vested with all the powers conferred upon county drain commissioners appointed under act number two hundred and sixty-nine, session laws of eighteen hundred and eighty-one, or any amendment or revision thereof, and may proceed in the same manner and be governed by the same law in the prosecution of said improvement from its commencement to its completion except as in this act otherwise provided, as he would or might proceed or be governed were he acting as such county drain commissioner by the probate court in and for the county of Jackson aforesaid, in pursuance of act number two hundred and sixty-nine of the session laws of eighteen hundred and eighty-one, or of any amendments or revision of said act. And the probate court in and for the county of Jackson shall have jurisdiction of all proceedings in the prosecution of said improvements the same as they would or might have had, had said commissioner been appointed as a county drain commissioner in pursuance of said act number two hundred and sixty-nine, statute laws of eighteen hundred and eighty-one, or any amendment or revision of said act.

Vested with powers of county drain commissioner.

SEC. 9. An order drawn on the treasurer of the proper township for the amount of any damages that may be awarded, if any, in obtaining the right of way, and made payable to the owner of the description on which such damages were awarded, describing such lands by their legal subdivision in such order, and tendered to the person entitled thereto, or deposited with the township clerk of said township, to be delivered to such person when called for, shall be deemed a sufficient security for the amount of such damages.

Order on the treasury sufficient security for damages.

SEC. 10. The cost of constructing said improvement together with the expenses incident thereto in excess of the appropriation hereby made and of any contribution which the said commissioner may secure may be assessed upon the lands, easements, and property benefited thereby, and upon any township or village by reason of the benefit to the public health and as a means of improving any public highway under the general laws of this State except as herein otherwise provided. The commissioner appointed under this act shall designate in an assessment roll or rolls the land, easements and property benefited thereby and shall determine by an assessed valuation of the benefits to be derived thereby, what per cent of such excess shall be assessed upon each parcel or description of lands, easements and property, township or village. Upon the completion of said assessment of benefits said commissioner shall submit the same to the board of review, hereinafter named, who may alter or amend the same as they may deem equitable and their decision shall be final. Said assessment of benefits shall be published in some newspaper of general circulation published in said Jackson county, and a copy of the same shall be delivered to each member of the board of review at least two weeks before being

Excess of expense to be assessed on lands benefited, etc.

The assessment roll to designate the lands benefited, and the assessment upon each.

To be submitted to the board of review.

Assessment of benefits to be published, etc. Copy of paper to be delivered to each member.

Right to be heard in person or by attorney.

To be divided into five assessment rolls.

To advertise for letting contracts.

To be let to the lowest bidder.

May adjourn letting.

Contractor's bond.

Bids to be either open or closed.

Commissioner's computation of the cost of improvements.

To apportion the same, etc.

Lien.

To be included in the next assessment roll.

How collected.

The money collected to be held subject to the order of the special commissioner.

acted upon by said board of review; and any person, persons, or corporation feeling aggrieved by said ratio or per cent of assessments, shall have the right to be heard in person or by attorney before said board of review. Said assessment of benefits as altered, amended, or affirmed, by said board of review, shall be divided into five assessment rolls; one for each of the townships of Waterloo, Henrietta, Leoni, Blackman, and Rives, in said Jackson county, or into so many rolls as there shall be townships affected by said improvements, the rolls containing respectively the lands, easements, and property to be taxed and which is benefited by said improvement in the respective townships and city for the excess cost of the said improvement.

SEC. 11. Upon the completion of the said assessment rolls, the said commissioner shall advertise for letting the contract for the construction of said work for at least four consecutive weeks in a newspaper published in said county of Jackson, and he shall let such work to the person who will do the same, according to the specifications, for the least sum of money in addition to the lands hereby appropriated. Said commissioner may adjourn said letting from time to time, to such other time or place to be by him at the time of such adjournment publicly announced, as to him shall seem proper, but not in all more than sixty days from the time first advertised, and he may reserve the right to reject any or all bids. The contractor shall give a bond to the said commissioner with at least two sureties, to be approved by said commissioner in such amount and upon such terms as said commissioner shall require, to secure the faithful performance of the contract. The said contract shall be let by open or sealed bids as the said board of review shall direct, and on their failure to so direct, the same shall be let as the said commissioner shall determine.

SEC. 12. Upon the letting of such contract, the commissioner shall make a computation of the costs of such improvement, in excess of the land hereby appropriated, and any reliable contribution he may have secured to aid said work, which shall include all expenses of locating and establishing the same, including the commissioner's compensation, at the rate of three dollars per day, for the time actually employed, cost of survey fees, and expenses incident to determining damages, the amount of damages awarded, if any, and all other expenses not otherwise provided for. He shall add the whole in a gross sum, which amount, when so ascertained, he shall apportion to and assess upon the individuals, property, or townships benefited thereby, according to the rate per cent fixed as hereinbefore provided in the assessment rolls, which amount so assessed, shall be a lien upon the persons, property, or townships so assessed, until paid. The several amounts so assessed shall be added to or included in the next annual assessment rolls of the respective townships, and collected by the township treasurers, as State and county taxes are collected. The money, when so collected by the township treasurers, or in case of unpaid taxes returned by the county treasurer, shall be held subject to the order of said special commissioner for the payment of the contract, damages, and other

expenses pertaining to said improvement: *Provided*, That in case Proviso.  
gross sums shall be assessed upon any township by reason of the  
benefit to the public health, or as a means of improving any public  
highway, such gross sums shall be assessed upon the tax roll or rolls  
of such township by the proper officer, on the basis of the assessed  
value of the property for the then current year.

SEC. 13. The supervisors of the townships of Waterloo, Henri- Board of review  
composed of  
whom.  
etta, Leoni, Blackman, and Rives shall constitute and be a board of Notice of meet-  
ing.  
review, as required by this act. A personal notice, or notice in Chairman of  
board.  
writing, of such meetings, left at their respective residences, shall  
be deemed a sufficient and legal notice of any such meeting. The Quorum.  
special commissioner shall be chairman of said board of review,  
and shall be entitled to vote only in case of a tie. A majority of Commissioner's  
account, by  
whom audited.  
the board shall be a quorum for the transaction of business. The  
account of the commissioner for service on said improvement shall  
be presented to and audited by the said board of review. The Compensation  
of members of  
board, by whom  
audited.  
several supervisors composing said board of review shall be entitled  
to and receive the sum of two dollars per day for their services on  
said board, the same to be audited by their respective township  
boards, and paid as other township expenses.

SEC. 14. Unpaid taxes on real estate shall be returned by the Unpaid taxes,  
etc.  
township treasurers respectively to the county treasurer, and lands  
delinquent therefor shall be sold in the same manner, and in all  
respects as are lands delinquent for State and county taxes under  
the general laws of this State.

SEC. 15. If any person shall willfully or maliciously remove any Penalty for re-  
moving division  
stake, etc.  
division stake, set along the line of said work, or if any person  
shall obstruct or injure said improvement either before or after  
completion, by falling timber or brush into the same, or otherwise,  
he shall for each and every such offense, be subject to a penalty of  
ten dollars, together with such sum as will be required to repair  
such damage and costs of suit, which penalty may be recovered in How recovered.  
an action of debt, at the suit of the commissioner under this act,  
for any such offense committed before the rendering of the final  
account of said commissioner mentioned in this act, and at the  
suit of the drain commissioner of the county or township in which  
such offense was committed, if committed after the rendering of  
said final account: *Provided*, If any person guilty of such offense Proviso.  
shall repair all such damage within five days after being notified so  
to do by the proper person, he shall not be liable under this section.

SEC. 16. This improvement shall be completed within five years Improvement to  
be completed  
when.  
from the passage of this act, and upon the completion of the work  
provided for in this act the said special commissioner or his suc-  
cessor shall file with the county clerk of Jackson county a complete Commissioner  
to file with the  
county clerk  
statement, etc.  
account of his doings hereunder, together with the survey, plans, and  
specifications used, a statement of the entire cost of the improve-  
ment in excess of the lands granted, and the amount of such excess  
paid by each township, or contributor, all the leases obtained of  
right of way, and the statement showing what proceedings were  
had to obtain right of way, if any were had, and what amounts, if  
any, were awarded as damages, a statement showing what amount,

In what case  
county clerk  
may cancel com-  
missioner's  
bond.

if any, have come into his hands as such commissioner, from whom received and to whom paid, together with the contractor's receipt in full for all moneys due him as such contractor. All of which statements shall be made under oath, and be verified by competent officers, and accompanied by statements of the supervisors of each of the townships named, showing the entire sum of money for such improvement raised in their township respectively. Whereupon if it shall appear to the said county clerk that the work has been completed and that the said special commissioner has faithfully discharged his duties under this act, and honestly disbursed the moneys which came into his hands, he shall cancel and surrender the bond required by this act; but if not, he shall bring suit upon said bond for all deficiencies or failures.

Improvement to  
be under whose  
control.

Proviso.

SEC. 17. Said improvement shall be under the control of the county drain commissioner of Jackson county, after the rendering of the final account of the special commissioner: *Provided*, That if there shall be no county drain commissioner in said county, the said improvement shall be under the control of the several township drain commissioners respectively, each township drain commissioner having charge of that portion of the improvement situated in his township.

Act repealed.

SEC. 18. Act number one hundred and thirty-two of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize and empower the board of control of State swamp lands to make an appropriation of swamp lands to drain certain overflowed lands in Jackson county," approved May tenth, eighteen hundred and eighty-one, be and the same is hereby repealed, saving all acts done in relation to the aforesaid survey, map, and profile, which survey, map, and profile, or so much thereof as the said special commissioner may select, is hereby legalized and made valid for the purposes of this act as hereinbefore provided.

This act is ordered to take immediate effect.

Approved June 16, 1885.

[No. 191.]

AN ACT making an appropriation for the use and maintenance of the University of Michigan.

Appropriation  
made.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury, for the use and maintenance of the University of Michigan, the following sums, to-wit: For the year eighteen hundred and eighty-five, fifty-six thousand dollars, (\$56,000); and for the year eighteen hundred and eighty-six, fifty-one thousand and five hundred dollars (\$51,500), for the following purposes: For repairs and contingent expenses for the year eighteen hundred and eighty-five the sum of sixteen thousand dollars (\$16,000), and for the year eighteen hundred and eighty-six the sum of sixteen thousand dollars (\$16,000); for books for libraries for the year eighteen hundred and eighty-five the sum of five thousand dollars (\$5,000), and for the

and eighty-six the sum of five thousand dol-  
 lars for college and hospital for the year  
 ending on the first of January of six thousand two hun-  
 dred and eighty-  
 six dollars (\$6,200); for  
 the year  
 and eighty-  
 six dollars  
 hundred and  
 .000), and for  
 of eight thous-  
 and the sum of two  
 hundred and eighty-  
 six for the year eighteen  
 hundred dollars (\$1,000),  
 and eighty-six the sum of one  
 salaries of the law pro-  
 fessors of eighty-five the sum of  
 (\$2,800), and for the year  
 ending on the first of two thousand and eight  
 hundred and eighty-six  
 hundred dollars (\$2,500) for  
 and providing that only so  
 much as for that purpose shall be drawn by the  
 treasury for the year eighteen  
 hundred and ten thousand dollars (\$10,000),  
 and eighty-six the sum of five

and upon the taxable property of the Tax for.  
 ending on the first of January of red and eighty-five the sum of fifty-  
 six dollars (\$5,000), and in the year eighteen hundred  
 and eighty-one thousand five hundred dollars  
 shall be assessed, levied and collected in the  
 year the taxes are assessed, levied and collected,  
 and the amount so collected shall be credited up to the general  
 fund for the amount drawn therefrom as pro-  
 vided in this act.  
 This act shall take immediate effect.  
 1885.

[No. 192.]

relating to the employment, defining the duties, and  
 compensation of a stenographer for the ninth judicial  
 circuit of Michigan.

*The People of the State of Michigan enact, That a* Appointment of  
 stenographer.  
 for the ninth judicial circuit shall be appointed by  
 the circuit judge, on the certificate of the circuit judge that a stenog-  
 rapher is desirable in said court. The person so appointed shall Oath of office.  
 subscribe the official oath prescribed by the constitution,



which oath shall be administered by the presiding judge. He shall be deemed an officer of the court, and shall hold the position during the pleasure of the Governor: *Provided*, The court shall have power to suspend him for incompetency or misconduct, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded.

Officer of court.  
To hold office during pleasure of Governor.  
Court may suspend.

SEC. 2. In case of the death, resignation, removal, or suspension of the stenographer, the Governor shall appoint a successor to the office; but in case of sickness or temporary absence of the stenographer the judge may appoint some competent person during his absence, the expense thereof to be paid by the stenographer holding the appointment.

Appointment of successor.  
In case of absence.

Duties of stenographer.

SEC. 3. It shall be the duty of said stenographer to attend upon the circuit court of each of the counties composing said circuit, during each term thereof respectively, and to take full stenographic notes of all testimony given and proceedings had upon the trial or hearing of cases therein. The stenographer so appointed shall receive a salary of eighteen hundred dollars per annum, payable in monthly installments out of the county treasury of each of the counties composing said circuit, according and in proportion to the amount of business done therein in which the stenographer is employed; and it shall be the duty of the circuit judge of said circuit, on the first of January of each year, or as soon thereafter as may be, to apportion the amount of salary to be paid by each county in said circuit on the basis aforesaid.

Salary.

Circuit Judge to apportion the amount to be paid by each county.

\$3.00 stenographer's fees to be taxed.

SEC. 4. Each and every issue of fact at law, tried before the court or jury, and in each chancery case in which the proofs are taken in open court, in which the stenographer shall be employed, shall be taxed the sum of three dollars, to be paid by the plaintiff or complainant at the commencement of such trial or hearing, into the hands of the clerk, and by him paid into the county treasury of the county in which said case is tried or heard.

Duty to furnish copy without charge.

SEC. 5. It shall be the duty of the said stenographer, upon the order of the court, to write out in legible English, a full copy of the notes taken by him on the trial or hearing of any cause, without cost to either party, and file the same with the clerk of the county wherein such case was tried or heard, for the use of the court and the parties to said cause, and such copy shall be made and filed within such time as the court shall order. The court may, in any case where he deems it proper, and where the notes to be copied exceed (500) five hundred folios, allow the stenographer, as compensation for such copying excess such sum not exceeding ten cents per folio, as he deems proper, to be paid in criminal cases when the court shall order by the county treasurer of the county in which such case was heard or tried, upon the certificate of the judge that such copy has been filed pursuant to such order, and in civil cases by the party or parties desiring the same, to be taxed as costs to the prevailing party.

Court may order that he be paid ten cents per folio.

Duty to furnish copy.

SEC. 6. It shall be the duty of said stenographer to furnish, without delay, copies of the notes taken by him, written out in legible

English, to any party who may request the same, for such sum as may be agreed upon, not to exceed ten cents per folio.

SEC. 7. In cases tried in the circuit court of said judicial circuit in which such stenographer shall be engaged, sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts," approved March twenty-six, eighteen hundred and sixty-nine, shall not apply.

Act in regard to charging jury not to apply.

SEC. 8. The salary of the stenographer provided for by this act may be changed by any subsequent Legislature, and any other change as may be deemed proper may be made and any appointment under this act shall be subject thereto and controlled thereby.

Salary, etc., may be changed.

SEC. 9. All acts or parts of acts, contravening the provisions hereof, in force at the time of the passage of this act, shall be construed as of no effect as applying to said ninth judicial circuit.

Acts not applicable.

Ordered to take immediate effect.

Approved June 16, 1885.

### [No. 193.]

AN ACT to amend sections thirty and fifty-two of chapter seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's sections twenty-five hundred and ninety and twenty-six hundred and twelve of said compilation, and being sections thirty-six hundred and twenty-five and thirty-six hundred and forty-seven of Howell's Annotated Statutes, relative to plank roads.

SECTION 1. *The People of the State of Michigan enact*, That sections thirty and fifty-two of chapter seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's sections twenty-five hundred and ninety and twenty-six hundred and twelve of said compilation, and being sections thirty-six hundred and twenty-five and thirty-six hundred and forty-seven of Howell's Annotated Statutes, be and the same are hereby amended so as to read as follows:

Sections amended.

(3625.) SEC. 30. No tolls shall be collected at any gate of any company incorporated under this act from any person passing to or from public worship on the Sabbath, or to or from a funeral, or from farmers and persons in their employ engaged in the business of the farm in passing from one part of the farm to another part thereof; and any person who shall make a false representation to any gate-keeper for the purpose of passing said gate without toll, under the exemptions in this section provided, and shall thereby induce said gate-keeper to let him pass such gate with an animal or vehicle without the payment of toll, shall be liable to a fine of not to exceed ten dollars (\$10) for each offense, to be sued for and recovered by such company.

Collecting tolls, etc., from persons attending public worship prohibited.

Penalty for false representation.

(3647) SEC. 52. All companies that have been or may hereafter be organized under the provisions of this act, and shall have built any portion of their road or may hereafter build any portion of the

Authorized to build of gravel or broken stone.

same of gravel, or of stone so broken as to serve the purposes of gravel, shall be entitled to all the privileges, immunities, and franchises conferred upon companies organized under said act, the same as though said road had been constructed of plank, as required in section twenty-eight of this act: *Provided*, That said gravel or stone portions of said road hereafter constructed be not less than nine feet in width, and the gravel or stone of which the same shall be constructed shall not be less than one foot in depth, and shall in all cases be of sufficient depth to make a good, firm, and hard road: *And provided further*, That said companies shall be subject to all the provisions and penalties, in regard to keeping said road in repair as are provided in said act in relation to plank roads.

Approved June 16, 1885.

[No. 194.]

' AN ACT to facilitate the giving of bonds required by law.

Corporations with a paid-up capital of \$250,000 authorized to do business in this State.

SECTION 1. *The People of the State of Michigan enact*, That any corporation with a paid up capital of not less than two hundred and fifty thousand dollars incorporated and organized under the laws of any State of the United States or any foreign government, and empowered by such laws to grant guarantees, bonds, covenants or agreements for the integrity and faithful accounting of public officers, or other like purposes, may transact such business in this State as hereinafter provided.

Must deposit securities in the sum of \$100,000.

SEC. 2. Whenever any such corporation shall have securities deposited in any State of the United States, in accordance with the laws thereof, for the sole benefit and security of the guarantees, bonds, covenants and agreements, executed or which may be executed by it in this State and elsewhere to the amount of one hundred thousand dollars, and shall make and execute, under oath, a report of its financial standing and of such securities attested by the trustees, directors, or board of managers thereof, which trustees, directors, or board of managers shall be actual residents of the United States or Dominion of Canada, together with a full statement of the business of such corporation in the United States and Dominion of Canada for the fiscal year next preceding such statement, together with a full statement of the assets and liabilities of said corporation, in such manner and form as shall be prescribed by the Commissioner of Insurance, and shall at the same time appoint an attorney in this State upon whom process of law can be served and shall comply with the other provisions of this act then and in that case it shall be lawful for the Commissioner of Insurance to issue to such corporation a certificate of authority to transact the business prescribed in section one of this act: *Provided*, That such securities so deposited are made available to the citizens of this State under the laws of the State or country in which said securities are deposited.

Report of financial standing.

Must appoint an attorney in this State upon whom service of process can be made. Commissioner of Insurance certificate of authority to do business. Proviso.

SEC. 3. The statement and evidence of deposit of securities

required by section two of this act shall be renewed annually in the month of February in each year, and the Commissioner of Insurance on being satisfied that the capital, securities and investments remain secure as at first, shall furnish a renewal of the certificate as aforesaid.

Statement, etc., to be renewed annually, etc.

Renewal of certificate.

SEC. 4. That every such corporation shall, as a condition precedent to doing business in this State, appoint an agent or attorney in this State, upon whom all process against the corporation may be served with the like effect as if served upon the corporation in the manner provided by law, and said appointment shall stipulate and agree on the part of such corporation that service of process against such corporation upon such agent or attorney shall be valid service upon the corporation; and that the State courts of the State of Michigan shall have exclusive jurisdiction over any action brought against such corporation on any bond, guarantee, covenant, or agreement executed to any individual or partnership, and to any public, municipal, or private corporation of this State, and to any public board or official in his or their name of office. A copy of such appointment, duly authenticated, shall be filed with the Commissioner of Insurance and shall not be revoked until the same power is given to another resident of said State and a like copy filed as aforesaid. Service upon such agent or attorney shall be deemed sufficient service upon the corporation. Actions may be commenced against any such corporation in the county where the officer for whom it has become surety resided at the time it became his surety, and process against such corporation may be directed to be served by the sheriff or any of his deputies, of the county where said parties reside, upon such attorney or agent, and such sheriff or deputy shall make due return of such process to the court from which it may issue.

Appointment of agent, etc., condition precedent.

Appointment to stipulate what.

State courts to have exclusive jurisdiction.

Copy of appointment to be filed with Commissioner of Insurance.

Service upon agent or attorney.

Action to be commenced where.

By whom process served.

Return of process.

SEC. 5. The Commissioner of Insurance is hereby authorized and empowered to address any inquiries to any such corporation or the secretary thereof in relation to its doings, or condition, or any other matter connected with its transactions, and it shall be the duty of any such corporation so addressed to promptly reply in writing to any such inquiries, and failing to make and deposit such statements or to make satisfactory replies to such inquiries as may relate to its manner of doing business, or to its assets, pecuniary responsibility, or to other matters connected with or relating to its business transactions shall be subject to a revocation of its authority by said Commissioner of Insurance to do business in this State, but if any such corporation transacts business in this State after such revocation it shall not be permitted to rely on such illegality to defeat any action, suit, or proceeding arising out of such business.

Commissioner of Insurance authorized to enquire into condition of, etc.

Failure to deposit statement or to make satisfactory reply ground for revocation of authority.

Revocation of authority not to defeat action against.

SEC. 6. Said Commissioner of Insurance shall have the power to examine the form of guaranty, contracts, bonds, covenants, and agreements proposed to be issued by any such corporation applying to be permitted to transact the business prescribed in section one of this act, and may refuse to admit any corporation to this State, or to renew the annual authority of any corporation previously admitted, whenever the form of such guaranty, contract, bond,

Commissioner of Insurance to examine form of guaranty, contracts, etc.

May refuse to admit any corporation to this State, etc.

Proviso.

covenant, or agreement, issued or proposed to be issued, does not substantially conform to the conditions of the official bonds prescribed by the statutes of this State, which said corporation proposed [proposes] to sign as surety: *Provided*, That whenever any bond signed by such corporation does not comply with the laws of this State, it shall nevertheless operate as a common law bond, and shall be held valid.

Penalty for attempting to do business without authority, etc.

SEC. 7. In case any person attempts to transact any business within this State on behalf of any such corporation which has not obtained authority to carry on such business from the Commissioner of Insurance, or whose authority has been revoked, such person shall, for each offense, be punished by fine not exceeding one hundred dollars and costs, or by imprisonment not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court.

May become surety on bond.

SEC. 8. Any such corporation upon production of evidence of solvency and credit satisfactory to the judge, board of supervisors, head of department, or other board or officer authorized by the laws of this State to approve such bond, may, in their discretion be accepted as surety upon the bond of any person or corporation required by the laws of this State to execute a bond, and if such surety corporation shall furnish satisfactory evidence of its ability to provide all the security required by law, no additional surety may be exacted, but other surety may, in the discretion of the official or board authorized to approve such bond, be required, and such surety corporation may be released from its liability on the same terms and conditions as are or may be prescribed by law for the release of individuals, it being the true intent and meaning of this act to enable corporations designated in section one of this act to become surety [security] on bonds required by law, subject to all the rights and liabilities of private parties: *Provided*, That such surety corporations shall in no case be accepted as surety on any recognizance for the appearance of persons charged with crime, and that the provisions of this act shall not apply to any bond or recognizance required for the sale of liquors under the laws of this State.

Proviso.

Estopped from taking advantage of defective bond.

SEC. 9. Any such surety corporation which shall execute any bond as surety under the provisions of this act, or if such bond is defectively executed, nevertheless accepts and retains a premium or compensation for signing any such bond as surety, shall be estopped in any action, suit or proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute such instrument; or that it was defectively executed; or that it does not comply with the provisions of any statute of this State; or that it was not authorized by law to assume such liability.

Commissioner of Insurance to make and file list and statement when and where.

SEC. 10. The Commissioner of Insurance shall annually in the month of February in each year furnish to each county clerk in this State a list of the names of all corporations allowed to do business in this State under the provisions of this act, together with a statement of the assets and liabilities of each of said corporations, the State or country where such security is deposited and the State or country where each such corporation is incorporated, and said county clerk



shall file the same in his office, and whenever such Commissioner of Insurance revokes the authority of any such corporation he shall immediately notify all the county clerks in this State.

To notify county clerks of revocation of authority.

SEC. 11. Every such corporation shall, as a condition precedent to the renewal of an annual certificate by the Commissioner of Insurance, make and file in the office of the State Treasurer, annually in the month of January of each year on oath or affirmation a statement of the number of guarantees, bonds, covenants, or agreements which it has signed and issued and the gross amount of premiums received or secured thereon during the year then terminated, and shall pay into the State treasury a specific tax of two per cent on the gross amount of all premiums received in money or securities in this State during the said year which said specific tax may be recovered from any corporation neglecting or refusing to pay the same in any court at the suit of this State and shall be and is hereby appropriated to the general fund, and it shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State Treasury under the provisions of this act.

As a condition precedent to renewal, annual statement to be made and filed with State Treasurer.

To pay a specific tax.

State Treasurer's receipt.

Approved June 16, 1885.

[No. 195.]

AN ACT to amend section thirty of chapter one hundred fifty-three of the revised statutes of eighteen hundred forty-six, being section seven thousand five hundred thirty-nine of the compiled laws of eighteen hundred seventy-one, relative to offenses against the lives and persons of individuals.

SECTION 1. *The People of the State of Michigan enact*, That section thirty of chapter one hundred fifty-three of the revised statutes of eighteen hundred forty-six, being compiler's section seven thousand five hundred thirty-nine of the compiled laws of eighteen hundred seventy-one, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 30. Every person who shall maliciously, forcibly, or fraudulently lead, take, or carry away, or decoy or entice away any child under the age of twelve years, with intent to detain or conceal such child from its parent, or guardian, or from the person or persons who have lawfully adopted said child, or from any other person having the lawful charge of said child, shall be punished by imprisonment in the State prison not more than ten years, or by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars. In case such child shall have been adopted by a person or persons other than its parents, in accordance with the statute providing for such adoption, then this section shall apply as well to such taking, carrying, decoying or enticing away of such child, by its father or mother, as by any other person: *Provided*, That the provisions of this section shall not apply to a parent who has not given written consent that the custody of such child should be committed to another.

Enticing away any child under twelve years, with intent to detain, etc.

Proviso.

Approved June 16, 1885.

Right to be heard in person or by attorney.

To be divided into five assessment rolls.

To advertise for letting contracts.

To be let to the lowest bidder.

May adjourn letting.

Contractor's bond.

Bids to be either open or closed.

Commissioner's computation of the cost of improvements.

To apportion the same, etc.

Lien.

To be included in the next assessment roll.

How collected.

The money collected to be held subject to the order of the special commissioner.

acted upon by said board of review; and any person, persons, or corporation feeling aggrieved by said ratio or per cent of assessments, shall have the right to be heard in person or by attorney before said board of review. Said assessment of benefits as altered, amended, or affirmed, by said board of review, shall be divided into five assessment rolls; one for each of the townships of Waterloo, Henrietta, Leoni, Blackman, and Rives, in said Jackson county, or into so many rolls as there shall be townships affected by said improvements, the rolls containing respectively the lands, easements, and property to be taxed and which is benefited by said improvement in the respective townships and city for the excess cost of the said improvement.

SEC. 11. Upon the completion of the said assessment rolls, the said commissioner shall advertise for letting the contract for the construction of said work for at least four consecutive weeks in a newspaper published in said county of Jackson, and he shall let such work to the person who will do the same, according to the specifications, for the least sum of money in addition to the lands hereby appropriated. Said commissioner may adjourn said letting from time to time, to such other time or place to be by him at the time of such adjournment publicly announced, as to him shall seem proper, but not in all more than sixty days from the time first advertised, and he may reserve the right to reject any or all bids. The contractor shall give a bond to the said commissioner with at least two sureties, to be approved by said commissioner in such amount and upon such terms as said commissioner shall require, to secure the faithful performance of the contract. The said contract shall be let by open or sealed bids as the said board of review shall direct, and on their failure to so direct, the same shall be let as the said commissioner shall determine.

SEC. 12. Upon the letting of such contract, the commissioner shall make a computation of the costs of such improvement, in excess of the land hereby appropriated, and any reliable contribution he may have secured to aid said work, which shall include all expenses of locating and establishing the same, including the commissioner's compensation, at the rate of three dollars per day, for the time actually employed, cost of survey fees, and expenses incident to determining damages, the amount of damages awarded, if any, and all other expenses not otherwise provided for. He shall add the whole in a gross sum, which amount, when so ascertained, he shall apportion to and assess upon the individuals, property, or townships benefited thereby, according to the rate per cent fixed as hereinbefore provided in the assessment rolls, which amount so assessed, shall be a lien upon the persons, property, or townships so assessed, until paid. The several amounts so assessed shall be added to or included in the next annual assessment rolls of the respective townships, and collected by the township treasurers, as State and county taxes are collected. The money, when so collected by the township treasurers, or in case of unpaid taxes returned by the county treasurer, shall be held subject to the order of said special commissioner for the payment of the contract, damages, and other

expenses pertaining to said improvement: *Provided*, That in case Proviso.  
gross sums shall be assessed upon any township by reason of the  
benefit to the public health, or as a means of improving any public  
highway, such gross sums shall be assessed upon the tax roll or rolls  
of such township by the proper officer, on the basis of the assessed  
value of the property for the then current year.

SEC. 13. The supervisors of the townships of Waterloo, Henri-  
etta, Leoni, Blackman, and Rives shall constitute and be a board of Board of review  
composed of  
whom.  
review, as required by this act. A personal notice, or notice in Notice of meet-  
ing.  
writing, of such meetings, left at their respective residences, shall  
be deemed a sufficient and legal notice of any such meeting. The Chairman of  
board.  
special commissioner shall be chairman of said board of review,  
and shall be entitled to vote only in case of a tie. A majority of Quorum.  
the board shall be a quorum for the transaction of business. The Commissioner's  
account, by  
whom audited.  
account of the commissioner for service on said improvement shall  
be presented to and audited by the said board of review. The Compensation  
of members of  
board, by whom  
audited.  
several supervisors composing said board of review shall be entitled  
to and receive the sum of two dollars per day for their services on  
said board, the same to be audited by their respective township  
boards, and paid as other township expenses.

SEC. 14. Unpaid taxes on real estate shall be returned by the Unpaid taxes,  
etc.  
township treasurers respectively to the county treasurer, and lands  
delinquent therefor shall be sold in the same manner, and in all  
respects as are lands delinquent for State and county taxes under  
the general laws of this State.

SEC. 15. If any person shall willfully or maliciously remove any Penalty for re-  
moving division  
stake, etc.  
division stake, set along the line of said work, or if any person  
shall obstruct or injure said improvement either before or after  
completion, by falling timber or brush into the same, or otherwise,  
he shall for each and every such offense, be subject to a penalty of  
ten dollars, together with such sum as will be required to repair  
such damage and costs of suit, which penalty may be recovered in How recovered.  
an action of debt, at the suit of the commissioner under this act,  
for any such offense committed before the rendering of the final  
account of said commissioner mentioned in this act, and at the  
suit of the drain commissioner of the county or township in which  
such offense was committed, if committed after the rendering of  
said final account: *Provided*, If any person guilty of such offense Proviso.  
shall repair all such damage within five days after being notified so  
to do by the proper person, he shall not be liable under this section.

SEC. 16. This improvement shall be completed within five years Improvement to  
be completed  
when.  
from the passage of this act, and upon the completion of the work  
provided for in this act the said special commissioner or his suc-  
cessor shall file with the county clerk of Jackson county a complete Commissioner  
to file with the  
county clerk  
statement, etc.  
account of his doings hereunder, together with the survey, plans, and  
specifications used, a statement of the entire cost of the improve-  
ment in excess of the lands granted, and the amount of such excess  
paid by each township, or contributor, all the leases obtained of  
right of way, and the statement showing what proceedings were  
had to obtain right of way, if any were had, and what amounts, if  
any, were awarded as damages, a statement showing what amount,

In what case  
county clerk  
may cancel com-  
missioner's  
bond.

if any, have come into his hands as such commissioner, from whom received and to whom paid, together with the contractor's receipt in full for all moneys due him as such contractor. All of which statements shall be made under oath, and be verified by competent officers, and accompanied by statements of the supervisors of each of the townships named, showing the entire sum of money for such improvement raised in their township respectively. Whereupon if it shall appear to the said county clerk that the work has been completed and that the said special commissioner has faithfully discharged his duties under this act, and honestly disbursed the moneys which came into his hands, he shall cancel and surrender the bond required by this act; but if not, he shall bring suit upon said bond for all deficiencies or failures.

Improvement to  
be under whose  
control.

Proviso.

SEC. 17. Said improvement shall be under the control of the county drain commissioner of Jackson county, after the rendering of the final account of the special commissioner: *Provided*, That if there shall be no county drain commissioner in said county, the said improvement shall be under the control of the several township drain commissioners respectively, each township drain commissioner having charge of that portion of the improvement situated in his township.

Act repealed.

SEC. 18. Act number one hundred and thirty-two of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize and empower the board of control of State swamp lands to make an appropriation of swamp lands to drain certain overflowed lands in Jackson county," approved May tenth, eighteen hundred and eighty-one, be and the same is hereby repealed, saving all acts done in relation to the aforesaid survey, map, and profile, which survey, map, and profile, or so much thereof as the said special commissioner may select, is hereby legalized and made valid for the purposes of this act as hereinbefore provided.

This act is ordered to take immediate effect.

Approved June 16, 1885.

[No. 191.]

AN ACT making an appropriation for the use and maintenance of the University of Michigan.

Appropriation  
made.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury, for the use and maintenance of the University of Michigan, the following sums, to-wit: For the year eighteen hundred and eighty-five, fifty-six thousand dollars, (\$56,000); and for the year eighteen hundred and eighty-six, fifty-one thousand and five hundred dollars (\$51,500), for the following purposes: For repairs and contingent expenses for the year eighteen hundred and eighty-five the sum of sixteen thousand dollars (\$16,000), and for the year eighteen hundred and eighty-six the sum of sixteen thousand dollars (\$16,000); for books for libraries for the year eighteen hundred and eighty-five the sum of five thousand dollars (\$5,000), and for the

year eighteen hundred and eighty-six the sum of five thousand dollars (\$5,000); for homeopathic college and hospital for the year eighteen hundred and eighty-five the sum of six thousand two hundred dollars (\$6,200), and for the year eighteen hundred and eighty-six the sum of six thousand two hundred dollars (\$6,200); for the University hospital for the year eighteen hundred and eighty-five the sum of five thousand dollars (\$5,000), and for the year eighteen hundred and eighty-six the sum of five thousand dollars (\$5,000); for the dental college for the year eighteen hundred and eighty-five the sum of eight thousand dollars (\$8,000), and for the year eighteen hundred and eighty-six the sum of eight thousand dollars (\$8,000); for a clock for the University the sum of two thousand dollars (\$2,000) for the year eighteen hundred and eighty-five; for assistance in engineering laboratory for the year eighteen hundred and eighty-five the sum of one thousand dollars (\$1,000), and for the year eighteen hundred and eighty-six the sum of one thousand dollars (\$1,000); for increase in the salaries of the law professors for the year eighteen hundred and eighty-five the sum of two thousand and eight hundred dollars (\$2,800), and for the year eighteen hundred and eighty-six the sum of two thousand and eight hundred dollars (\$2,800). Also in eighteen hundred and eighty-six a sum not exceeding two thousand five hundred dollars (\$2,500) for the removal of the gifts of Mr. Rogers, and providing that only so much of said sum as is needed for the purpose shall be drawn by the University. For the engineering laboratory for the year eighteen hundred and eighty-five the sum of ten thousand dollars (\$10,000), and for the year eighteen hundred and eighty-six the sum of five thousand dollars (\$5,000).

SEC. 2. There shall be assessed upon the taxable property of the State in the year eighteen hundred and eighty-five the sum of fifty-six thousand dollars (\$56,000), and in the year eighteen hundred and eighty-six the sum of fifty-one thousand five hundred dollars (\$51,500), which sums shall be assessed, levied and collected in the same manner as other State taxes are assessed, levied and collected, and which taxes when collected shall be credited up to the general fund to reimburse the same for the amount drawn therefrom as provided in section one of this act. Tax for.

This act is ordered to take immediate effect.

Approved June 16, 1885.

[No. 192.]

AN ACT providing for the employment, defining the duties, and fixing the compensation of a stenographer for the ninth judicial circuit, State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That a stenographer for the ninth judicial circuit shall be appointed by the Governor, on the certificate of the circuit judge that a stenographer is desirable in said court. The person so appointed shall take and subscribe the official oath prescribed by the constitution, Appointment of stenographer.  
Oath of office.



land within this State to a depth of four feet or more for the purpose of exploring for minerals or making other discoveries, shall fill the same or erect or cause to be erected around the same a good substantial fence or enclosure not less than four feet high.

Violation a  
misdemeanor,  
penalty for.

SEC. 2. Any person or agent of any corporation who shall violate the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding one hundred dollars or imprisoned in the county jail for a period not exceeding three months in the discretion of the magistrate before whom the conviction is had, and shall in addition thereto be liable to an action for damages resulting from said non-compliance for injuries to either person or property.

Approved June 12, 1885.

[No. 189.]

AN ACT to amend sections one, three, four, five, six, and seven, of act number one hundred and fifty-six, of the session laws of eighteen hundred eighty-three, being an act creating a Bureau of Labor and Industrial Statistics, and defining the powers and duties of the same.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, three, four, five, six, and seven, of act number one hundred and fifty-six, of the session laws of eighteen hundred eighty-three, being an act creating a Bureau of Labor and Industrial Statistics, and defining the powers and duties of the same, approved June sixth, eighteen hundred eighty-three, be and the same are hereby amended so as to read as follows:

Appointment of  
Commissioner  
of Labor.

SECTION 1. The Governor is hereby authorized and empowered to appoint, within sixty days after this act shall take effect, and every second year thereafter, in the month of February, by and with the advice and consent of the Senate, and also within thirty days after the occurrence of any vacancy in the office, a suitable person, who shall be a citizen of this State, as commissioner, who shall hold his office until his successor is appointed and qualified, the title of which officer shall be Commissioner of Labor. Such commissioner shall keep his office at the capitol, in the city of Lansing, and shall appoint a deputy, whose term of office shall continue during the pleasure of such commissioner. The commissioner may appoint such assistants, from time to time, as shall be necessary for the transaction of the business of his office. Said commissioner, with his deputy, and the Secretary of State, who shall be *ex-officio* member thereof, shall constitute a bureau of statistics of labor.

Term of.

Location of  
office.  
May appoint  
deputy and  
assistants.

Who to consti-  
tute labor bu-  
reau.

Powers of rela-  
tive to examin-  
ing, etc., wit-  
nesses.

SEC. 3. Such bureau, or any member thereof, shall have full power to examine witnesses on oath, compel the attendance of witnesses, the giving of testimony while acting in any part of this State, and witnesses may be summoned by such bureau, or any member thereof, by its process in the same manner, and paid the same fees as are allowed to witnesses attending in the circuit court of any

county: *Provided*, No witness shall be compelled to go outside the *Proviso.*  
county in which he resides, to testify.

SEC. 4. The compensation of such commissioner shall be two thou- *Salaries of com-*  
sand dollars per annum, and that of his deputy fifteen hundred dol- *missioner and*  
lars per annum, which compensation, together with all necessary *deputy.*  
expenses, including the employment, and paying the expenses of *Other expenses.*  
such assistants as are provided for in section one of this act, *How provided*  
also the expenses provided for in section three of this act, shall *for and paid.*  
be audited and paid in the same manner as the salaries and expenses *Proviso.*  
of other State officers: *Provided*, The amount thereof, exclusive *Proviso.*  
of the compensation allowed to said commissioner and his said dep-  
uty, shall not, in any one year, exceed the sum of six thousand dol-  
lars: *And provided, further*, That in addition to the above allow- *Idem, as to ex-*  
ance for expenses, said bureau shall be authorized to have printed, *pense of print-*  
not to exceed two thousand copies of its annual reports for the use *ing report, etc.*  
of the bureau, for general distribution, and all printing, binding,  
blanks, or map work shall be done under any contract which the  
State now has, or shall have for similar work with any party or  
parties, and the expenses thereof shall be audited and paid for in  
the same manner as other State printing.

SEC. 5. Said bureau may collect the information called for in sec- *How informa-*  
tion two of this act, or such information as shall by the commis- *tion to be col-*  
sioner be considered essential to perfect the work of the bureau, *lected.*  
from the several State, county, city, village, and township officers,  
and from the officers of prisons, penal and reformatory institutions,  
or by means of special canvassers under the direction of the com-  
missioner, and it shall be the duty of all such officers to furnish *Duty of officers,*  
upon the written or printed request of the commissioner, such infor- *etc., to furnish,*  
mation as shall be considered necessary for the bureau, upon blanks *upon request of*  
furnished by said bureau. *commissioner.*

SEC. 6. It shall be the duty of the several supervisors of the *Duty of super-*  
townships, and the supervisor or assessor of the wards of cities in *visors, etc., as*  
this State, at the time of assessing the property thereof, to obtain  
the facts and information determined upon by said bureau, as pro-  
vided in section five of this act, in accordance with the terms, con-  
ditions, and requirements of said blanks, and to return said blanks  
properly filled and duly certified to, by such officer, without delay  
to the Commissioner of Labor at Lansing.

SEC. 7. Any person who shall willfully and intentionally testify *Testifying false-*  
falsely, shall be deemed guilty of a felony, and on conviction *ly, when deemed*  
thereof, shall be punished by imprisonment in the State prison for *a felony; penal-*  
a period not exceeding five years, and any person who shall refuse *ty for.*  
to testify before said bureau or before any member thereof, shall, *Refusal to testi-*  
on conviction thereof, be deemed guilty of a misdemeanor, and *fy a misdemea-*  
shall be punished by a fine not exceeding one hundred dollars, or *nor, penalty for.*  
imprisonment not exceeding sixty days, or both in the discretion of  
the court: *Provided*, That no person or corporation shall be *Proviso.*  
required to answer any question that shall be improper subject of  
inquiry or foreign to the object of this act.

Ordered to take immediate effect.

Approved June 12, 1885.

[No. 190.]

AN ACT making an appropriation of State swamp lands to aid the county of Jackson in straightening and opening a channel or outlet for Portage Lake, and to authorize a tax to complete the same, and to repeal act number one hundred and thirty-two of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize and empower the Board of Control of State swamp lands to make an appropriation of swamp lands to drain certain overflowed lands in Jackson county," approved May tenth, eighteen hundred and eighty-one.

Land appropriated to Jackson county for draining Portage Lake.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of aiding the county of Jackson in straightening and opening a channel or outlet for Portage Lake, in said county, to the end that the large territory now periodically submerged may be reclaimed and the sanitary condition of the lands adjacent thereto improved, there shall be and hereby is appropriated to the county of Jackson, eighteen (18) sections of State swamp land in the Lower Peninsula not otherwise appropriated.

Lands to be withheld from sale.

SEC. 2. Said lands or any part or parts thereof when selected shall be withheld from sale from and after the time said county, its assigns, or its contractor under this act shall notify the Commissioner of the State Land Office of the selection of the same or any such part or parts and shall be withheld for the entire time fixed by this act for the completion of the work. Upon filing with the said Commissioner of the State Land Office the certificate of the commissioner, who shall be appointed, qualified and acting at such time under this act that one-half of said work is completed, one-half of said lands hereby appropriated shall be patented to the contractor under this act, and the remainder shall be patented upon a like certificate of the entire completion of the work.

To be patented when.

Application for appointment of commissioner.

SEC. 3. An application in writing signed by three or more freeholders of the county of Jackson and residing in any of the townships hereinafter named may be presented to the probate court of the county of Jackson for the appointment of a commissioner under this act to superintend the construction of the work herein provided for, and perform such other duties as may devolve upon him by virtue of this act. It shall be sufficient in said petition to refer to this act by number and title for a description of the work for the construction of which said commissioner is petitioned to be appointed. The court to whom such application is made shall at once issue an order directing all persons interested in said petition and the work provided for by this act to appear before such court at a time and place therein to be specified not less than two nor more than four weeks from the time of making such order to show cause why such commissioner should not be appointed and be heard with reference to the appointment of the same. A copy of such order shall be posted up in three public places in each of the townships of Waterloo, Henrietta, Leoni, Blackman, and Rives, in said county of Jackson, at least ten days before the hearing of said petition. Said court shall at the time named in said order, or at such time as

To refer to act.

Order of court for appearance.

To be posted, where and when.

the hearing may be adjourned to, not exceeding thirty days in all from the day first appointed, proceed to hear the proofs and allegations of the parties and if it shall appear that said work is necessary and for the good of the public health or highways and a means of reclaiming swamp and overflowed lands in said townships or along the line of Portage or Grand rivers he shall appoint such commissioner and deliver to the person so appointed a certificate of his appointment and send a certified copy of the order appointing such person as such commissioner to the Commissioner of the State Land Office in this State.

To hear proof and allegations of the parties.

Certificate of appointment.

SEC. 4. The person so appointed shall, within ten days after such appointment, take, subscribe, and file with the county clerk of said county of Jackson, the oath of office required by the constitution of this State; and shall, within the same time, execute and file with such clerk a bond to the county of Jackson, with sufficient surety or sureties, to be approved by said clerk, for the sum of fifteen thousand dollars, conditioned for the faithful performance of the trusts and duties devolved upon him by this act.

When to take the oath of office.

Bond.

SEC. 5. In case of the failure of any person who may be appointed as the commissioner under this act to qualify or act as such commissioner, for any cause, it shall be the duty of the probate court aforesaid, upon petition to said court duly verified, setting forth the facts upon which said petition is based, to proceed in the same manner provided in section three of this act, for the appointment of a commissioner, and appoint some other person as such commissioner.

Appointment of commissioner in case of failure to qualify.

SEC. 6. Said commissioner shall as soon as practicable proceed to examine personally the line of said proposed work, and if in his opinion it is necessary and for the good of the public health that the channel of either or of both of said rivers in or adjacent to the towns named should be opened, deepened, widened, straightened, or otherwise improved, or if he shall deem it more feasible to establish a water-course on the line of the Batteese outlet, and White lake to Grand river, rather than by the Portage river outlet, he shall proceed without petition or other preliminary proceedings to have either or both of said routes surveyed, as a further means of determining the more practicable route, and prepare the necessary plans and specifications and detailed estimates of the expense of opening the necessary water-course, on such route or line as he shall deem most practicable to accomplish the best results, and he shall thus establish by survey the commencement and terminus, and determine upon the route, width, length, and depth thereof, and for such purpose he may enter upon any lands traversed by either of the proposed routes of said work: *Provided*, That said commissioner is hereby authorized and empowered to adopt map and profile made under the direction of Henry H. Bingham, the special commissioner appointed by the Board of Control of State Swamp Lands, for the purpose of carrying out the provisions of act number one hundred and thirty-two of the session laws of eighteen hundred and eighty-one, and to make such alterations therein or additions thereto as in his discretion he may deem expedient. And the said commissioner is hereby given the custody and possession of

To examine line of proposed work.

Batteese outlet, etc., line.

Survey of routes.

Plans, specifications, etc.

Authorized to enter upon lands to determine route, etc.

Proviso.

May adopt the Henry H. Bingham map and profile.

To have possession of the same.

The State divests itself of responsibility.	said map and profile which is now on file with the Board of Control of State Swamp Lands, and the State thereby divests itself of all interest, responsibility, or liability in relation to the said improvement beyond the grant of lands herein made to the county of Jackson.
Commissioner's statement of proposed work.	<p>SEC. 7. Whenever said commissioner shall have obtained such full information as may be necessary to his determination, including estimates of all probable and contingent expenses, he shall put in writing a statement of the proposed work to accompany such maps and profiles as he may have procured or may adopt, including such statement of the probable effects of the improvements contemplated as to him shall seem reasonable, and shall give at least fifteen days' notice in some newspaper printed in said county of Jackson of the time and place in said county when he will hear the objections of any person or party interested in the said improvement, which notice shall be deemed sufficient to bind all such persons and parties, and at such time and place or on any adjourned day fixed for the consideration of the same, he shall hear and consider any objections which may be made by any interested person or party and any taxpayer of the townships of Waterloo, Henrietta, Leoni, Blackman, or Rives shall be deemed an interested party, and upon such hearing he may determine either for or against the necessity of such improvements or any part thereof, and he shall make an order stating his determination and the work to be done and file the same in the office of the clerk of said county who shall record the same: <i>Provided however</i>, That any person or party interested who shall feel himself aggrieved by such determination may appeal therefrom to the board of review hereinafter constituted within ten days after the date of such determination upon giving notice thereof and filing with said commissioner a bond with one or more sufficient sureties to him and his successors in office in the penal sum of one hundred dollars, conditioned to pay the expenses of the appeal in the case that the said determination and order shall not be annulled or materially modified by said board of review, which expenses shall include the per diem services of the members of the said board and all expenditures made necessary by said appeal; and such board of review shall have power upon such appeal to consider the entire matter, to dismiss the appeal and affirm said order or to annul or modify the same as shall in their judgment seem expedient, but not in a manner to increase the expense to be paid by any person or municipal corporation, and the determination upon such appeal shall be certified by a majority of said board of review and the certificate filed with the clerk of said county, who shall record the same, and the order unless annulled as so affirmed or modified shall thereafter, be in force and be carried into effect by the said commissioner.</p> <p>SEC. 8. Upon the completion of the survey, plans, and specifications of said improvements, the said commissioner shall take steps to procure title to the county of the lands or the right of way necessary therefor, and for this purpose is hereby vested with all the powers conferred upon county or special drain commissioners, and</p>
Notice to be published.	
To hear objections of interested parties.	
Commissioner's order to state what and be filed where.	
Appeal.	
When to be taken. Appeal bond.	
Power of the board of review.	
To certify their determination to the county clerk.	
Procuring of title to right of way.	



may proceed without petition or other preliminary proceedings, in the manner provided by law for acquiring title for county drains, or he may proceed under any other law of this State providing for condemning right of way for the drainage of lands, and for the purpose of carrying out the full design and intent of this act, the said commissioner is hereby vested with all the powers conferred upon county drain commissioners appointed under act number two hundred and sixty-nine, session laws of eighteen hundred and eighty-one, or any amendment or revision thereof, and may proceed in the same manner and be governed by the same law in the prosecution of said improvement from its commencement to its completion except as in this act otherwise provided, as he would or might proceed or be governed were he acting as such county drain commissioner by the probate court in and for the county of Jackson aforesaid, in pursuance of act number two hundred and sixty-nine of the session laws of eighteen hundred and eighty-one, or of any amendments or revision of said act. And the probate court in and for the county of Jackson shall have jurisdiction of all proceedings in the prosecution of said improvements the same as they would or might have had, had said commissioner been appointed as a county drain commissioner in pursuance of said act number two hundred and sixty-nine, statute laws of eighteen hundred and eighty-one, or any amendment or revision of said act.

Vested with powers of county drain commissioner.

SEC. 9. An order drawn on the treasurer of the proper township for the amount of any damages that may be awarded, if any, in obtaining the right of way, and made payable to the owner of the description on which such damages were awarded, describing such lands by their legal subdivision in such order, and tendered to the person entitled thereto, or deposited with the township clerk of said township, to be delivered to such person when called for, shall be deemed a sufficient security for the amount of such damages.

Order on the treasury sufficient security for damages.

SEC. 10. The cost of constructing said improvement together with the expenses incident thereto in excess of the appropriation hereby made and of any contribution which the said commissioner may secure may be assessed upon the lands, easements, and property benefited thereby, and upon any township or village by reason of the benefit to the public health and as a means of improving any public highway under the general laws of this State except as herein otherwise provided. The commissioner appointed under this act shall designate in an assessment roll or rolls the land, easements and property benefited thereby and shall determine by an assessed valuation of the benefits to be derived thereby, what per cent of such excess shall be assessed upon each parcel or description of lands, easements and property, township or village. Upon the completion of said assessment of benefits said commissioner shall submit the same to the board of review, hereinafter named, who may alter or amend the same as they may deem equitable and their decision shall be final. Said assessment of benefits shall be published in some newspaper of general circulation published in said Jackson county, and a copy of the same shall be delivered to each member of the board of review at least two weeks before being

Excess of expense to be assessed on lands benefited, etc.

The assessment roll to designate the lands benefited, and the assessment upon each.

To be submitted to the board of review.

Assessment of benefits to be published, etc. Copy of paper to be delivered to each member.

Right to be heard in person or by attorney.

To be divided into five assessment rolls.

To advertise for letting contracts.

To be let to the lowest bidder.

May adjourn letting.

Contractor's bond.

Bids to be either open or closed.

Commissioner's computation of the cost of improvements.

To apportion the same, etc.

Lien.

To be included in the next assessment roll.

How collected.

The money collected to be held subject to the order of the special commissioner.

acted upon by said board of review; and any person, persons, or corporation feeling aggrieved by said ratio or per cent of assessments, shall have the right to be heard in person or by attorney before said board of review. Said assessment of benefits as altered, amended, or affirmed, by said board of review, shall be divided into five assessment rolls; one for each of the townships of Waterloo, Henrietta, Leoni, Blackman, and Rives, in said Jackson county, or into so many rolls as there shall be townships affected by said improvements, the rolls containing respectively the lands, easements, and property to be taxed and which is benefited by said improvement in the respective townships and city for the excess cost of the said improvement.

SEC. 11. Upon the completion of the said assessment rolls, the said commissioner shall advertise for letting the contract for the construction of said work for at least four consecutive weeks in a newspaper published in said county of Jackson, and he shall let such work to the person who will do the same, according to the specifications, for the least sum of money in addition to the lands hereby appropriated. Said commissioner may adjourn said letting from time to time, to such other time or place to be by him at the time of such adjournment publicly announced, as to him shall seem proper, but not in all more than sixty days from the time first advertised, and he may reserve the right to reject any or all bids. The contractor shall give a bond to the said commissioner with at least two sureties, to be approved by said commissioner in such amount and upon such terms as said commissioner shall require, to secure the faithful performance of the contract. The said contract shall be let by open or sealed bids as the said board of review shall direct, and on their failure to so direct, the same shall be let as the said commissioner shall determine.

SEC. 12. Upon the letting of such contract, the commissioner shall make a computation of the costs of such improvement, in excess of the land hereby appropriated, and any reliable contribution he may have secured to aid said work, which shall include all expenses of locating and establishing the same, including the commissioner's compensation, at the rate of three dollars per day, for the time actually employed, cost of survey fees, and expenses incident to determining damages, the amount of damages awarded, if any, and all other expenses not otherwise provided for. He shall add the whole in a gross sum, which amount, when so ascertained, he shall apportion to and assess upon the individuals, property, or townships benefited thereby, according to the rate per cent fixed as hereinbefore provided in the assessment rolls, which amount so assessed, shall be a lien upon the persons, property, or townships so assessed, until paid. The several amounts so assessed shall be added to or included in the next annual assessment rolls of the respective townships, and collected by the township treasurers, as State and county taxes are collected. The money, when so collected by the township treasurers, or in case of unpaid taxes returned by the county treasurer, shall be held subject to the order of said special commissioner for the payment of the contract, damages, and other

expenses pertaining to said improvement: *Provided*, That in case Proviso.  
gross sums shall be assessed upon any township by reason of the  
benefit to the public health, or as a means of improving any public  
highway, such gross sums shall be assessed upon the tax roll or rolls  
of such township by the proper officer, on the basis of the assessed  
value of the property for the then current year.

SEC. 13. The supervisors of the townships of Waterloo, Henri- Board of review  
composed of  
whom.  
etta, Leoni, Blackman, and Rives shall constitute and be a board of Notice of meet-  
ing.  
review, as required by this act. A personal notice, or notice in Chairman of  
board.  
writing, of such meetings, left at their respective residences, shall  
be deemed a sufficient and legal notice of any such meeting. The Quorum.  
special commissioner shall be chairman of said board of review, Commissioner's  
account, by  
whom audited.  
and shall be entitled to vote only in case of a tie. A majority of Compensation  
of members of  
board, by whom  
audited.  
the board shall be a quorum for the transaction of business. The  
account of the commissioner for service on said improvement shall  
be presented to and audited by the said board of review. The  
several supervisors composing said board of review shall be entitled  
to and receive the sum of two dollars per day for their services on  
said board, the same to be audited by their respective township  
boards, and paid as other township expenses.

SEC. 14. Unpaid taxes on real estate shall be returned by the Unpaid taxes,  
etc.  
township treasurers respectively to the county treasurer, and lands  
delinquent therefor shall be sold in the same manner, and in all  
respects as are lands delinquent for State and county taxes under  
the general laws of this State.

SEC. 15. If any person shall willfully or maliciously remove any Penalty for re-  
moving division  
stake, etc.  
division stake, set along the line of said work, or if any person  
shall obstruct or injure said improvement either before or after  
completion, by falling timber or brush into the same, or otherwise,  
he shall for each and every such offense, be subject to a penalty of  
ten dollars, together with such sum as will be required to repair  
such damage and costs of suit, which penalty may be recovered in How recovered.  
an action of debt, at the suit of the commissioner under this act,  
for any such offense committed before the rendering of the final  
account of said commissioner mentioned in this act, and at the  
suit of the drain commissioner of the county or township in which  
such offense was committed, if committed after the rendering of  
said final account: *Provided*, If any person guilty of such offense Proviso.  
shall repair all such damage within five days after being notified so  
to do by the proper person, he shall not be liable under this section.

SEC. 16. This improvement shall be completed within five years Improvement to  
be completed  
when.  
from the passage of this act, and upon the completion of the work  
provided for in this act the said special commissioner or his suc-  
cessor shall file with the county clerk of Jackson county a complete Commissioner  
to file with the  
county clerk  
statement, etc.  
account of his doings hereunder, together with the survey, plans, and  
specifications used, a statement of the entire cost of the improve-  
ment in excess of the lands granted, and the amount of such excess  
paid by each township, or contributor, all the leases obtained of  
right of way, and the statement showing what proceedings were  
had to obtain right of way, if any were had, and what amounts, if  
any, were awarded as damages, a statement showing what amount,

In what case  
county clerk  
may cancel com-  
missioner's  
bond.

if any, have come into his hands as such commissioner, from whom received and to whom paid, together with the contractor's receipt in full for all moneys due him as such contractor. All of which statements shall be made under oath, and be verified by competent officers, and accompanied by statements of the supervisors of each of the townships named, showing the entire sum of money for such improvement raised in their township respectively. Whereupon if it shall appear to the said county clerk that the work has been completed and that the said special commissioner has faithfully discharged his duties under this act, and honestly disbursed the moneys which came into his hands, he shall cancel and surrender the bond required by this act; but if not, he shall bring suit upon said bond for all deficiencies or failures.

Improvement to  
be under whose  
control.

Proviso.

SEC. 17. Said improvement shall be under the control of the county drain commissioner of Jackson county, after the rendering of the final account of the special commissioner: *Provided*, That if there shall be no county drain commissioner in said county, the said improvement shall be under the control of the several township drain commissioners respectively, each township drain commissioner having charge of that portion of the improvement situated in his township.

Act repealed.

SEC. 18. Act number one hundred and thirty-two of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize and empower the board of control of State swamp lands to make an appropriation of swamp lands to drain certain overflowed lands in Jackson county," approved May tenth, eighteen hundred and eighty-one, be and the same is hereby repealed, saving all acts done in relation to the aforesaid survey, map, and profile, which survey, map, and profile, or so much thereof as the said special commissioner may select, is hereby legalized and made valid for the purposes of this act as hereinbefore provided.

This act is ordered to take immediate effect.

Approved June 16, 1885.

[No. 191.]

AN ACT making an appropriation for the use and maintenance of the University of Michigan.

Appropriation  
made.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury, for the use and maintenance of the University of Michigan, the following sums, to-wit: For the year eighteen hundred and eighty-five, fifty-six thousand dollars, (\$56,000); and for the year eighteen hundred and eighty-six, fifty-one thousand and five hundred dollars. (\$51,500), for the following purposes: For repairs and contingent expenses for the year eighteen hundred and eighty-five the sum of sixteen thousand dollars (\$16,000), and for the year eighteen hundred and eighty-six the sum of sixteen thousand dollars (\$16,000); for books for libraries for the year eighteen hundred and eighty-five the sum of five thousand dollars (\$5,000), and for the

year eighteen hundred and eighty-six the sum of five thousand dollars (\$5,000); for homeopathic college and hospital for the year eighteen hundred and eighty-five the sum of six thousand two hundred dollars (\$6,200), and for the year eighteen hundred and eighty-six the sum of six thousand two hundred dollars (\$6,200); for the University hospital for the year eighteen hundred and eighty-five the sum of five thousand dollars (\$5,000), and for the year eighteen hundred and eighty-six the sum of five thousand dollars (\$5,000); for the dental college for the year eighteen hundred and eighty-five the sum of eight thousand dollars (\$8,000), and for the year eighteen hundred and eighty-six the sum of eight thousand dollars (\$8,000); for a clock for the University the sum of two thousand dollars (\$2,000) for the year eighteen hundred and eighty-five; for assistance in engineering laboratory for the year eighteen hundred and eighty-five the sum of one thousand dollars (\$1,000), and for the year eighteen hundred and eighty-six the sum of one thousand dollars (\$1,000); for increase in the salaries of the law professors for the year eighteen hundred and eighty-five the sum of two thousand and eight hundred dollars (\$2,800), and for the year eighteen hundred and eighty-six the sum of two thousand and eight hundred dollars (\$2,800). Also in eighteen hundred and eighty-six a sum not exceeding two thousand five hundred dollars (\$2,500) for the removal of the gifts of Mr. Rogers, and providing that only so much of said sum as is needed for the purpose shall be drawn by the University. For the engineering laboratory for the year eighteen hundred and eighty-five the sum of ten thousand dollars (\$10,000), and for the year eighteen hundred and eighty-six the sum of five thousand dollars (\$5,000).

SEC. 2. There shall be assessed upon the taxable property of the State in the year eighteen hundred and eighty-five the sum of fifty-six thousand dollars (\$56,000), and in the year eighteen hundred and eighty-six the sum of fifty-one thousand five hundred dollars (\$51,500), which sums shall be assessed, levied and collected in the same manner as other State taxes are assessed, levied and collected, and which taxes when collected shall be credited up to the general fund to reimburse the same for the amount drawn therefrom as provided in section one of this act.

This act is ordered to take immediate effect.

Approved June 16, 1885.

[No. 192.]

AN ACT providing for the employment, defining the duties, and fixing the compensation of a stenographer for the ninth judicial circuit, State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That a stenographer for the ninth judicial circuit shall be appointed by the Governor, on the certificate of the circuit judge that a stenographer is desirable in said court. The person so appointed shall take and subscribe the official oath prescribed by the constitution,

Appointment of  
stenographer.

Oath of office.



repair, and in a condition reasonably safe and fit for travel by the township, village, city, or corporation whose corporate authority extends over such public highway, street, bridge, sidewalk, cross-walk, or culvert, and whose duty it is to keep the same in reasonable repair, such township, village, city, or corporation shall be liable to and shall pay to the person or persons so injured or disabled, just damages, to be recovered in an action of trespass on the case, before any court of competent jurisdiction.

Liability for  
damages to  
animals, etc.

SEC. 2. If any horse or other animal, or any cart, carriage, vehicle, or other property, shall receive any injury or damage by reason of neglect by any township, village, city, or corporation to keep in repair any public highway, street, bridge, sidewalk, cross-walk, or culvert, the township, village, city, or corporation, whose duty it is to keep such public highway, street, bridge, sidewalks, cross-walk, or culvert in repair, shall be liable to, and shall pay the owner thereof just damages, which may be recovered in an action of trespass on the case, before any court of common jurisdiction:

Proviso.

*Provided*, That in all actions brought under this act, it must be shown that such township, village, or city has had reasonable time and opportunity after knowledge by or notice to such township, village, or city that such highways, streets, bridges, sidewalks, cross-walk, or culvert have become unsafe, or unfit for travel, to put the same in the proper condition for use, and has not used reasonable diligence therein after such knowledge or notice.

Townships,  
cities, villages,  
etc., to keep  
highways,  
bridges, side-  
walks, etc., in  
repair.

SEC. 4. It is hereby made the duty of townships, villages, cities, or corporations to keep in reasonable repair, so that they shall be reasonably safe and convenient for public travel, all public highways, streets, bridges, sidewalks, cross-walks, and culverts that are within their jurisdiction, and under their care and control, and which are open to public travel. And when the means now provided by law are not sufficient to enable any township, village, or city to keep its public highways, streets, bridges, sidewalks, cross-walks, and culverts in good repair, such township, village, or city is hereby authorized to levy such additional sum upon the taxable property of such township, village, or city, not exceeding five mills on the dollar, in any one year, as will enable such township, village, or city to keep its public highways, streets, bridges, sidewalks, cross-walks, and culverts in good repair at all times. Highway commissioners, street commissioners, and all other officers, having special charge of highways, streets, bridges, sidewalks, cross-walks, and culverts, and the care or repairing thereof, are hereby made and declared to be officers of the township, village, city, or corporation wherein they are elected or appointed, and shall be subject to the general direction of such township, village, city, or corporate authorities, in the discharge of their several duties.

To what high-  
ways provisions  
of this act ap-  
ply.

SEC. 5. The provisions of this act shall not apply to public highways which have not been in use ten years; but nothing in this section shall be construed as exempting townships, villages, and cities from maintaining their streets, bridges, sidewalks, cross-walks, and culverts, and the approaches to bridges, in a safe condition for public travel.

SEC. 6. No township, village, or city in this State shall be liable in damages, or otherwise, to any person or persons for bodily injury or for injury to any property sustained upon any of the public highways, streets, bridges, sidewalks, cross-walks, or culverts in such townships, villages, or cities, except under and according to the provisions of this act, and the common law liability of townships, villages, and cities in this State, for or on account of bodily injuries sustained by any person by reason of neglect to keep in repair public highways, streets, bridges, sidewalks, cross-walks, or culverts, is hereby abrogated.

Townships, villages and cities to be liable for damage only under this act, and the common law liability is abrogated.

SEC. 7. In suits brought against any city, village, or township of this State, under the provisions of this act, on account of bodily injuries sustained by reason of defective sidewalks, the judgment recovered shall not exceed the sum of three hundred dollars, exclusive of costs, where the population of the township, village, or city, against which suit is brought, shall, according to the census taken next preceding the time of the commencement of such suit, be less than five hundred; and where the population of such township, village, or city, according to such census, shall be over five hundred, and less than one thousand, the judgment recovered shall not exceed six hundred dollars, exclusive of costs; where the population of the township, village, or city sued shall be over one thousand, and less than two thousand, according to such census, the judgment shall not exceed one thousand dollars, exclusive of costs; and where the population of the township, village, or city so sued shall exceed, according to such census, two thousand, the judgment recovered shall not exceed one thousand eight hundred dollars, exclusive of costs: *Provided*, That for any such judgment recovered, the owner of the lot abutting the sidewalks upon which the injury occurred for which such judgment is recovered, and whose duty it is to build and maintain such sidewalk, shall not be liable to the city, village, or township for or on account of such judgment.

Limitation of amount of judgment for damages.

Proviso.

Approved June 17, 1885.

[No. 215.]

AN ACT to amend section four of chapter two, sections four and seven of chapter three, section five of chapter eleven, and to repeal section fourteen of chapter twelve, of act number ten of the session laws eighteen hundred and eighty-two, being "An act to amend sections four, five and eight of chapter two, sections four and seven of chapter three, section three of chapter four, and sections five and thirteen of chapter eleven, and to add a new section to chapter twelve to stand as section fourteen of act number two hundred and forty-three of the session laws of eighteen hundred and eighty-one, entitled, 'An act to revise and consolidate the laws relating to the establishment, opening and improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within

this State,' " approved June eight, eighteen hundred and eighty-one.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of chapter two, and sections four and seven of chapter three, and section five of chapter eleven of act number ten of the session laws of eighteen hundred and eighty-two, being "An act to amend sections, four, five and eight of chapter two, sections four and seven of chapter three, section three of chapter four, and sections five and thirteen of chapter eleven, and to add a new section to chapter twelve to stand as section fourteen of act number two hundred and forty-three of the session laws of eighteen hundred and eighty-one, entitled 'An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State,' " approved June eight, eighteen hundred and eighty-one, be and the same are amended so as to read as follows:

## CHAPTER II.

Assessment of  
labor if town-  
ship neglects to  
vote, etc.

SEC. 4. In case the electors present at any annual township meeting shall neglect or refuse to vote any rate of highway labor to be assessed, as by the first subdivision of the last preceding section provided, the commissioner, in making his assessment may assess not exceeding one-half day's labor upon each one hundred dollars of valuation; and in case such electors shall neglect or refuse to vote a money tax, as by the second subdivision of the preceding section provided, the township board may order to be levied such sum, within the limit herein above provided, as they may deem necessary for the improvement of roads and bridges.

## CHAPTER III.

Commutation.

SEC. 4. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed, unless he shall elect to commute for the same, or some part thereof, and shall within the time in which he is required to appear and work, pay the commutation money, at the rate of one dollar for each day assessed to the overseer of the district on which the labor is required to be performed, and the commutation shall not be considered as complete until such money be paid. All moneys so paid shall be expended by the overseer so far as may be necessary, in the purchase of implements, or construction and repair of the roads and bridges in the same district, but no overseer shall be allowed to commute for any portion of the time for which he is assessed, unless his tax shall exceed the number of days necessary for the faithful and efficient supervision by him of the highway work within his district, in which case he may commute for the excess: *Provided*, That in no case shall said overseer expend more than fifteen dollars in any one year for implements.

Proviso.

Fines collected  
set off ag inst  
assessment.

SEC. 7. Every sum of money collected for a refusal or neglect to appear and work on the highways shall be set off against the assess-

ment upon which it was founded, estimating every one dollar and twenty-five cents collected, exclusive of the costs of the proceedings, as a satisfaction for one day's work.

## CHAPTER XI.

SEC. 5. The commissioner shall, between the first and fifteenth days of November in each year, call upon each overseer of his township for the purpose of procuring the returns mentioned in section twelve of this chapter, and shall, on or before the twentieth day of November, deposit the returns mentioned in the sixth subdivision of said section with the supervisor of his township, whose duty it shall be to cause the amount of all arrearages of labor, estimating the same at one dollar for each day to be levied on any lands or other property returned as by said sixth subdivision and to be collected in the same manner that the contingent charges of the township are collected, and the same when collected shall be paid into the township treasury, and credited to the district in which the same accrued. Returns of overseers.

SEC. 2. Section fourteen of chapter twelve of act number ten, session laws of eighteen hundred and eighty-two, is hereby repealed. Section repealed.

Ordered to take immediate effect.

Approved June 17, 1885.

### [No. 216.]

AN ACT to amend sections one, two, three, four, and five of chapter two hundred and fifteen of the compiled laws of eighteen hundred and seventy-one, relative to certain liens upon real property, and the acts amendatory thereof, the same being sections eight thousand three hundred and seventy-seven, eight thousand three hundred and seventy-eight, eight thousand three hundred and seventy-nine, eight thousand three hundred and eighty, and eight thousand three hundred and eighty-one of the general statutes of the State of Michigan as compiled by Andrew Howell.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, and five of chapter two hundred and fifteen of the compiled laws of eighteen hundred and seventy-one, relative to "certain liens upon real property" and the acts amendatory thereof, the same being sections eight thousand three hundred and seventy-seven, eight thousand three hundred and seventy-eight, eight thousand three hundred and seventy-nine, eight thousand three hundred and eighty, and eight thousand three hundred and eighty-one of the general statutes of the State of Michigan as compiled by Andrew Howell, be and the same are hereby amended so as to read as follows: Sections amended.

SECTION 1. Every person who shall in pursuance of any contract, express or implied, existing between himself, as contractor, and the owner, part owner, lessee, or person holding, under any land contract or otherwise any interest in real estate, build, alter, improve, repair, erect, beautify, or ornament, or put in, or who shall furnish Who to have lien.

Upon what.

Aggregate of  
liens shall not  
exceed.

Lien when land  
is owned by  
married woman.

When person  
contracting has  
no title to land.

Person, etc., to  
avail himself of  
the provisions  
of this act must  
file deed with  
register of deeds  
setting forth.

any labor or materials in or for building, altering, improving, repairing, erecting, beautifying, or ornamenting, or putting in any house, building, machinery, wharf, or structure; and every person, who shall as sub-contractor, laborer, or material man perform any labor for, or furnish materials to such original or principal contractor or to any sub-contractor in carrying forward or completing any such contract, shall have a lien therefor upon such house, building, machinery, wharf, or other structure and its appurtenances, and also upon the entire interest of such owner, part owner, lessee, or person holding under such land contract or otherwise in and to the lot or piece of land not exceeding one quarter section of land, or if in any incorporated village or city, not exceeding the lot or lots upon which such improvement is made to the extent of the right, title, and interest of such owner, part owner, lessee, or person holding under such land contract or otherwise at the time work was commenced or materials begun to be furnished by the contractor under the original contract, or by the sub-contractor who furnishes or is furnished any labor or material in the performance or execution of such sub-contract, and also to the extent of any subsequent acquired interest of any such owner, part owner, lessee, or person holding under such land contract or otherwise. But the aggregate of all liens shall not exceed the amount due or to become due from such owner, part owner, lessee, or person holding under such land contract or otherwise, and if any such service or material are furnished upon lands belonging to any married woman with her knowledge or consent, in pursuance of a contract with the husband of such married woman, the person furnishing such labor or materials shall have a lien upon such property the same as if such contract had been made with such married woman. Any person furnishing services or materials for the erection of a new building or structure upon land, to which the person contracting for such erection has no title, shall have a lien therefor upon such building or structure; and the forfeiture or surrender of any title held by such contracting person to such land, shall not defeat the lien upon such building or structure of such person furnishing services or materials as aforesaid. And in case the property covered by the lien is held by the vendee in a land contract and he surrenders or forfeits his rights thereunder, the person or persons holding such liens may be subrogated to the rights of such vendee as his rights existed immediately before such surrender or forfeiture by performing the covenants contained in such contract within thirty days after such forfeiture or surrender is made.

SEC. 2. Every person or his agent or attorney, whether contractor, sub-contractor, material man, or laborer, who wishes to avail himself of the provisions of this statute shall make and file in the office of the register of deeds in the county or counties in which said real estate, building or structure, or improvement to be charged with the lien is situated, a just and true statement or account of the demand due him, over and above all legal set-offs, setting forth the time when such material was furnished or labor performed and when completed and for whom and containing a correct descrip-



tion of the property to be charged with the lien and the name of the owner, part owner, lessee, or person holding under a land contract or otherwise, if known, which shall be verified by affidavit. Such verified statement or account must be filed by a principal contractor within ninety days and by a sub-contractor, material man, or laborer, within thirty days from the date on which the last of the material shall have been furnished or the last of the labor was performed by the person claiming the lien, which statement may be in the following form:

Time allowed  
for filing.

STATE OF MICHIGAN, }  
COUNTY OF.....: } SS. Form of state-  
ment.

A. B., of ....., being duly sworn, says, that on the ..... day of ....., 18..., he furnished certain labor (or materials) in and for building (or altering, improving, repairing, erecting, or ornamenting) a certain ..... situated on the following described land ..... in pursuance of a certain contract with C. D. the owner (or the contractor, or a sub-contractor, or other person, as the case may be) and that the last of such labor was performed (or material was furnished) on the ..... day of ..... 18..., and that there is justly and truly due deponent therefor from the said C. D., over and above all legal set-offs, the sum of ..... dollars, for which amount deponent claims a lien on said land (or building) of which ..... is the owner (or part owner, etc., as the case may be.)

A ..... B .....

Subscribed and sworn to before me this ..... day of ....., 18...

But a failure or omission to file the same within the periods last aforesaid shall not defeat the lien, except against purchasers or incumbrancers in good faith without notice, whose rights accrued after the ninety or thirty days as the case may be, and before any claim for lien was filed. The register of deeds shall endorse upon every account or statement the date of its filing, and make an abstract thereof in a book to be kept by him for that purpose and properly indexed, containing the date of its filing, the name of the person claiming the lien, the amount of the lien, the name of the person against whom the lien is filed, and a description of the property to be charged with the same, and such filing shall have the same effect as to notice as the recording of a mortgage.

Failure to file  
not to defeat  
lien except.

Duty of register  
of deeds as to  
statement.

Effect of filing.

SEC. 3. To preserve this lien as against the owner and to prevent payments by the latter to the principal contractor, but for no other purposes, the sub-contractor, material man, or laborer must within the time allowed for filing the statement or account, as provided in the preceding section, serve upon such owner, part owner, lessee, or person holding under a land contract or otherwise his agent or attorney, a written notice of the filing of such statement or claim, which notice may be served by any sheriff, constable, or other person, and if the party to be served, his agent or attorney is out of the county wherein the property is situated, or cannot be found therein after diligent search and inquiry, return of either of such facts by an officer, or proof thereof by the affidavit of some com-

To preserve  
lien as against  
owner, etc., sub-  
contractors, etc.  
must.

Service of no-  
tice.

Vacation of lien  
of sub-contractor,  
etc.

When owner,  
etc., may adjust  
claims, not re-  
garding liens of  
sub-contractor,  
etc.

Owner, etc., not  
to be required to  
pay greater  
amount, etc.,  
than contract  
specifies.

Certificate of  
filing of bond.

Filing of certifi-  
cate discharges  
lien.  
Sub-contractor,  
etc., may file  
claim after ex-  
piration of thir-  
ty days, etc.

Owner, etc.,  
may demand  
statement of  
from person  
claiming lien.

petent person, shall constitute sufficient service from and after it is filed with the said register of deeds. But the lien of the sub-contractor, material man, or laborer, may, at any time, be vacated and discharged by the owner, part owner, lessee, or person holding, under a land contract or otherwise, or the contractor, giving to each of such persons whose lien is to be discharged, and filing with the clerk of the circuit court for the county in which such property is situated, a good and sufficient bond in the penal sum of twice the amount for which the lien is claimed, with two or more sureties to be approved by the said clerk, conditioned for the payment of any sum for which the obligee in such bond may obtain judgment upon the demand for which said statement or account was filed, which sureties shall justify their responsibility before such clerk or a circuit court commissioner under oath, and shall severally testify that they are each worth in real estate in the county in which such property is situated, over and above all exemptions, incumbrances, debts, and other liabilities, the penal sum of said bond; each of which justifications shall be endorsed in full on said bond. But if no claim for lien is filed within the periods hereinbefore provided, and the notice thereof is not served, or if that be done, and the bond above provided is filed, then the owner or contractor may thereafter proceed, make payments and adjust their claims, without regard to the liens of the sub-contractor, material men, and laborers who have not filed their claims, or served notice thereof, or to whom bonds have been given as aforesaid. Nothing in this act contained shall be construed to require the owner, part owner, lessee, or person holding under a land contract or otherwise, to pay a greater amount or in any other manner, or at earlier dates than those provided in his contract. The said clerk, on filing such approved bond, shall at once give to the obligor therein named a certificate that a good and sufficient bond has been filed with him as required by law, and shall therein state the names of the obligor and obligee, the amount of the bond, and description of the property covered by the lien thereby discharged. Upon the filing of said certificate in the office of said register of deeds the lien of the obligee therein named, if of record, shall thereby be discharged. A sub-contractor, laborer, or material man may, at any time after the expiration of said thirty days, file his claim for a lien with the register of deeds as hereinbefore provided, and give written notice thereof to the owner, part owner, lessee or person holding under a land contract or otherwise, his agent or attorney, as provided in this section, and from and after the service of such notice his lien shall have the same force and effect and may be prosecuted or vacated by bond, as if filed within the said thirty days.

SEC. 4. Each person claiming a lien as aforesaid, shall from time to time, whenever required by such owner, part owner or lessee, or his agent, or other person claiming an interest in such property as aforesaid, within three days from demand therefor, furnish such person demanding the same a written statement of the amount of work and material furnished to date of statement and then unpaid, as nearly as can then be ascertained under penalty of a forfeiture

of his lien. Such owner, part owner, lessee, or person holding under a land contract or otherwise, shall within three days after demand of any person claiming a lien as aforesaid, produce the contract existing between himself and the contractor or sub-contractor and freely permit such lien claimant to make a copy thereof, and shall also within three days after demand therefor furnish such lien claimant a written statement of the amount due and unpaid on such contract. If such owner, part owner, lessee, or person holding under a land contract or otherwise shall neglect or refuse to allow any lien claimant to make a copy of said contract, or shall neglect or refuse to make such written statement of the amount due and unpaid thereon as aforesaid, he shall be liable to such lien claimant, his heirs, or assigns, each time he so refuses or neglects to comply with such demand, in the sum of one hundred dollars and also for all actual damages occasioned by such neglect or refusal, to be recovered in an action on the case or to be awarded by a court of equity upon a bill filed to compel the production of such contract or disclosure of the amount due and unpaid thereon with double costs in the discretion of the court.

Owner, etc., must produce contract on demand of claimant and statement of amount unpaid.

Penalty for refusal or neglect

SEC. 5. The several liens herein provided for shall take priority as follows: Priority of Liens

*First,* As between persons claiming liens under this statute the several liens upon the same property, attaching by reason of work, labor, or material furnished in carrying forward or completing the same building, machinery, structure, or improvement shall be deemed simultaneous mortgages;

*Second,* They shall take priority to all garnishments for the contract debt made prior or subsequent to the commencement of the furnishing of the material or performance of the labor, without regard to the date of filing the claim for lien;

*Third,* They shall be preferred to all other liens or incumbrances which may be attached to or upon such building, erection, or other improvement or either of them, and upon the land upon which they are situated, made subsequent to the commencement of said building, erection, or other improvement: *Provided,* That the rights of the purchasers, incumbrancers and other persons who acquire interests in good faith, for valuable consideration, and without notice after the expiration of the time for filing claims for liens as provided in section two, shall be prior and paramount to the claims of all contractors, material men, and laborers, who have not, at the date such rights and interests were acquired, filed their claims for liens;

*Fourth,* The liens for the things aforesaid or the work including those for additions, repairs and betterments, shall attach to the building, erection, or structure for which they were furnished or done in preference to any prior title, claim, lien, incumbrance, or mortgage to or upon the land upon which such erection, building, or structure belongs or is put: *Provided,* Such lien shall not take precedence to the lien of any recorded mortgage on said land which secures and which on its face purports to secure money advanced for the building of the object on which said lien is

claimed. If such material was furnished or labor performed in the erection or construction of an original or independent building, erection, or other improvement, commenced since the attaching or execution of such prior title, claim, lien, incumbrance, or mortgage, the court may in its discretion order and direct such building, erection, or improvement to be separately sold under its decree, and the purchaser may remove the same within such reasonable time as the court may fix. But if, in the discretion of the court, it should not be separately sold, the court should take an account and ascertain the separate values of the land, and the erection, building, or other improvements, and distribute the proceeds of sale so as to secure to the prior title, claim, mortgage, or other lien priority upon the land, and to the mechanic's lien priority upon the building, erection, or other improvement. If the material furnished or labor performed was for addition to, repairs of or betterments upon the building, erection, or other improvement, the court shall take an account of the values before such material was furnished or labor performed, and the enhanced value caused by such additions, repairs, or betterments, and upon the sale of the premises, distribute the proceeds of sale, so as to secure to the prior title, mortgage, or lien priority upon the land and improvements to the amount as they existed prior to the attaching of the mechanic's lien, and to the mechanic's lien priority upon the enhanced value caused by such addition, repairs, or betterments.

Approved June 18, 1885.

[No. 217.]

AN ACT to impose a tax on the business of selling spirituous, intoxicating, malt, brewed, and fermented liquors in the State of Michigan to be shipped from without the State, and to repeal act number two hundred and twenty-six, laws of eighteen hundred and seventy-five, and being compiler's sections twelve hundred and seventy-seven, twelve hundred and seventy-eight, twelve hundred and seventy-nine, and twelve hundred and eighty, Howell's Annotated Statutes of eighteen hundred and eighty-two.

Who liable to  
tax.

When due;  
amount of.

SECTION 1. *The People of the State of Michigan enact*, That every person who shall come into or being in this State, shall engage in the business of selling spirituous and intoxicating, malt, brewed, or fermented liquors to citizens or residents of this State, at wholesale, or of soliciting or taking orders from citizens or residents of this State for any such liquors, to be shipped into this State, or furnished or supplied at wholesale to any person within this State, by a person, copartnership, association or corporation, not resident in this State, nor having his, their, or its principal place of business within this State, shall, on or before the fourth Friday of June in each year, pay a tax of three hundred dollars if engaged in selling or soliciting, or taking orders by sample or otherwise, for the sale of such spirituous and intoxicating liquors, and one hundred

dollars for malt, brewed, or fermented liquors. Such tax shall be paid to the Auditor General, and be by him paid into the State treasury, to the credit of the general fund. To be paid to.

SEC. 2. Upon the payment of such tax the Auditor General shall issue to such person a receipt therefor, and in case of loss thereof, a duplicate, when required by the person to whom the original receipt was issued. Every person making sales, or soliciting or taking orders, as in the first section of this act provided, shall exhibit such receipt to every person to whom he makes sale, or from whom he takes or solicits orders for such liquors, and to any supervisor, justice of the peace, sheriff, under-sheriff, or deputy sheriff, city or village marshal, chief of police, policeman or constable, when required so to do, during business hours. It shall be the duty of the chief of police and the marshal in every village and city in this State, and of the constable in every township, to call upon every person, firm, or corporation within their jurisdiction engaged in the sale of liquors, as above mentioned, at wholesale or retail, at least once in each month, and inquire if any person or persons, representing wholesale dealers or manufacturers of liquors outside the State, have, during the preceding month, taken or solicited orders from them. It shall be the duty of every dealer in liquors in this State, to keep a record of the name and address of every person representing wholesale dealers or manufacturers of liquors outside the State, who call upon them for the purpose of taking or soliciting orders for the same; and to furnish said name and address to the chief of police, marshal, or any other officer requesting such information. Auditor General to give receipt for.  
Receipt to be shown, when.  
Duty of chiefs of police, marshals, and constables.  
Duty of every liquor dealer.

SEC. 3. Any person liable to pay a tax under this act who shall sell any liquors or solicit or take orders for liquors to be shipped from without this State, to any person, firm, or corporation within this State, furnished or supplied by a person, copartnership, association, or corporation, not resident in, or having his, their or its principal place of business within this State, without the tax herein provided for having been paid, and having in his possession the receipt therefor, or a duplicate thereof; and any person residing or being in this State, who shall purchase liquors for the purpose of sale or barter from a person liable to pay a tax under this act, who has not paid such tax, which order is to be filled, and such liquors are to be shipped from without this State, to a person, firm, or corporation within this State, furnished or supplied by a person, copartnership, association, or corporation not resident in, or having his, their, or its principal place of business within this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, together with costs of prosecution; and in default of payment thereof, shall be imprisoned in the county jail of the county where such offense is committed, not less than ten nor more than ninety days, or both such fine and imprisonment, in the discretion of the court. One-third of the fine thus collected or imposed, shall be paid to the person or officer making the complaint, one-third to the contingent fund of the township, village, or Selling liquor by and purchasing of persons, etc., who have not paid tax.  
A misdemeanor.  
Penalty.  
Disposition of fines.



city where collected, and one-third to the county treasurer of the county wherein the offense is committed, to the credit of the general fund.

Selling at wholesale defined.

SEC. 4. Selling at wholesale shall be deemed to mean and include all sales of liquor in quantities of five gallons or over, or one dozen bottles or more, or soliciting orders therefor at any one time of any person.

Distribution of act by Secretary of State.

SEC. 5. The Secretary of State shall cause a copy of this act to be mailed to the chief of police and marshal of every village and city, and to the town clerk of every township in the State of Michigan; and it shall be the duty of every such chief of police, marshal and town clerk to notify all dealers in liquors in their respective villages, cities and towns of the provisions and penalties provided in this act.

Act repealed.

SEC. 6. Act number two hundred and twenty-six, session laws of eighteen hundred and seventy-five, entitled "An act to impose a tax on the business of selling spirituous and intoxicating malt, brewed, and fermented liquors in the State of Michigan, to be shipped from without this State," approved May third, eighteen hundred and seventy-five, is hereby repealed.

This act is ordered to take effect July one, eighteen hundred and eighty-five.

Approved June 18, 1885.

### [No. 218.]

AN ACT to provide for the purchase of certain lands adjoining lands now owned by the Michigan State Prison at Jackson, and for the sale of certain lands owned by the State of Michigan.

Sale of certain amount of land authorized.

SECTION 1. *The People of the State of Michigan enact*, That the board of inspectors of the State Prison are hereby authorized to sell, from the lands owned by the State on the east side of Cooper street in said city of Jackson, such parcels and at such prices as they deem for the interest of the State, to an amount not to exceed ten thousand dollars, and all moneys arising from such sales to be deposited, when received, with the State Treasurer: *Provided*, That all such sales shall be approved by the Governor.

Money realized. Proviso.

Purchase of certain land authorized and money for.

SEC. 2. The said board of inspectors are hereby authorized from moneys arising from such sales to purchase a strip of land eight rods wide, adjoining on the south lands now owned by said State Prison, and extending from Mechanic street to Cooper street, in the city of Jackson, the northerly four rods of said lands to be inclosed with the adjoining lands now owned by the State Prison, and the southerly four rods to be used as a street, the title and control of said street to remain in the said State Prison.

Part to be used as a street.

How moneys from sale to be paid out.

SEC. 3. All moneys arising from the sales of said lands shall be paid out by the State Treasurer on vouchers duly signed by said board of inspectors and approved by the Governor, and none of the lands shall be purchased unless a sufficient amount of lands men-

tioned in section one of this act are sold sufficient to make the purchase of the lands mentioned in section two of this act.

Condition precedent to purchase of lands.

Approved June 17, 1885.

[No. 219.]

AN ACT making an appropriation of swamp land to aid in draining the swamp land adjacent to Dowagiac creek, in Van Buren county, Michigan.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of aiding in improving what is known as the Dowagiac river, in the townships of Decatur and Hamilton in the county of Van Buren and State of Michigan, and in opening, straightening, widening and deepening the same, to the end that the large territory now periodically submerged may be reclaimed, and the sanitary condition of the adjacent lands improved, there shall be and hereby is appropriated all of the unpaid purchase money or principal, not including the interest nor the taxes thereon, and all of the purchase money or principal, not including interest or taxes thereon paid since the first of April, in the year of our Lord eighteen hundred eighty-five, to the State of Michigan, upon the following described lands situated in town four south, of range fourteen west, in the county and State aforesaid, being the township of Decatur, in said county, namely: The southeast quarter of section two, the east half of the southeast quarter of section seven, the southwest quarter of the southwest quarter of section eight, [the] northwest quarter of section twelve, the northwest quarter of the northeast quarter of section fourteen, the west half of the southeast quarter of section fourteen, the south half of the southwest quarter of section twenty-one, the south half of section twenty-nine, the northwest fractional quarter of section thirty-one, and the southeast quarter of section twenty-one.

Purpose of .  
Appropriation made.

Decatur township.

SEC. 2. The proceeds from said lands, as herein provided for, shall, when paid to the State, and such money as has been received by the State as is provided for in section one of this act, be paid over by the State Treasurer to the treasurer of said township of Decatur, to be used for the purposes herein provided, and to be paid over by the treasurer of Decatur upon the direction and order of the township board of such township.

Disposition of proceeds from said lands, etc.

SEC. 3. For said improvement within the township of Hamilton, all of the purchase money or principal, not including interest or taxes thereon, is hereby appropriated, namely: The northwest quarter of section thirty-six, in town four south, of range fifteen west, in said county and State before named, the same upon payment to the State Treasurer, to be by him turned over to the treasurer of the township of Hamilton, to be by him paid out upon the order and direction of the township board of Hamilton township, in the said county of Van Buren.

Same as to Hamilton township.

Ordered to take immediate effect.

Approved June 17, 1885.

## [No. 220.]

AN ACT to amend sections forty, forty-four, and forty-eight of an act entitled "An act to provide for holding general and special elections," approved June twenty-seventh, eighteen hundred and fifty-one, being sections seventy-one, seventy-five, and seventy-nine of the compiled laws of eighteen hundred and seventy-one.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections forty, forty-four, and forty-eight of an act entitled "An act to provide for holding general and special elections," approved June twenty-seventh, eighteen hundred and fifty-one, being sections seventy-one, seventy-five, and seventy-nine of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

What statement to contain and how disposed of.

(71.) SEC. 40. Such statements shall set forth in words at length, the whole number of votes given for each office, the names of the persons for which such votes for such office were given, and the number of votes so given for each person; and one of such statements shall forthwith be delivered to the township clerk, to be filed and preserved by him in his office, and the other statement and one of the tally sheets shall be delivered to one of the inspectors who shall be appointed by the board to attend the county canvass.

When statement to be delivered to county clerk.

(75.) SEC. 44. If either of the inspectors appointed to attend the county canvass shall be unable to attend such canvass on the day appointed, he shall, on or before that day, cause to be delivered at the office of the county clerk, the original statement and tally sheet of all votes given in his township or ward, which statement and tally sheet said clerk shall lay before said canvassers.

To organize and canvass votes.

(79.) SEC. 48. The canvassers shall choose one of their number chairman, and said board shall then proceed to examine the original statements certified by the several boards of inspectors of election, or certified or corrected copies thereof, and ascertain the number of votes in the county for the respective State, county, and district officers, when such district shall exceed the limits of such county, and make statements thereof, as the nature of the election may require; and should there be an omission in writing at length the number of votes as given for each person named, or an error in spelling a name, such error may be corrected by such canvasser in the presence of the board; after which the several senatorial and representative boards of canvassers shall proceed to canvass their respective districts, if such county shall be divided for representative purposes.

Certain errors may be corrected.

Approved June 17, 1885.

## [No. 221.]

AN ACT to amend section four of an act entitled an act supplementary to an act entitled an act to establish the Detroit House of Correction, and to authorize the confinement of convicted persons therein, approved March twenty-seven, eighteen hundred

and sixty-seven, being compiler's section nine thousand eight hundred and sixty-seven of Howell's Annotated Statutes, and to add a new section thereto, to stand as section seven of said act in place of section seven which was repealed by act sixty-seven, approved May ten, eighteen hundred and seventy nine.

SECTION 1. *The People of the State of Michigan enact*, That section four of an act entitled an act supplementary to an act entitled an act to establish the Detroit House of Correction and to authorize the confinement of convicted persons therein and being compiler's section nine thousand eight hundred and sixty-seven of Howell's Annotated Statutes, be amended so as to read as follows: Section amended.

(9867.) SEC. 4. Whenever any court of the United States (sitting in this State) or any officer thereof shall order or sentence any person upon conviction to be confined in the Detroit House of Correction for any period of time, or for want of bail or for any other cause, it shall be the duty of the superintendent to receive such person and him or her safely keep until the terms of such order or sentence are fully complied with, and it shall be the duty of the superintendent safely and securely to keep all such persons as have heretofore been received by him by virtue of any process, order, or sentence of any court of the United States, or any officer thereof, in compliance with such process, order, or sentence. Duty of superintendent as to persons sentenced by U. S. court, etc.

SEC. 2. That said act be amended by adding thereto another section, to stand as section seven in the place of section seven of said act which was repealed by act sixty-seven, approved May ten, eighteen hundred and seventy-nine, and to read as follows: New section added.

SEC. 7. No person shall be confined in the said Detroit House of Correction, sentenced from any other State or Territory or by any United States courts sitting in any other State or Territory, than the State of Michigan: *Provided, however*, That this act shall not, in any way, affect the confinement of any person heretofore sentenced and undergoing imprisonment in said Detroit House of Correction. Convicts from out of State shall not be confined in. Proviso.

Ordered to take effect July one, eighteen hundred and eighty-six.  
Approved June 17, 1885.

[No. 222.]

AN ACT making appropriations for the expenses of the State officers and State Government, for the years eighteen hundred and eighty-five and eighteen hundred and eighty-six, and to provide a tax for the payment of the same.

SECTION 1. *The People of the State of Michigan enact*, That there shall be levied upon the aggregate of taxable real and personal estate of the State in the year eighteen hundred and eighty-five the sum of eight hundred and ninety-two thousand three hundred and ninety-nine dollars and ninety cents (\$892,399.90), and in the year eighteen hundred and eighty-six the sum of five hundred and ninety-nine thousand three hundred and seventy-five dollars (\$599,375) to Tax to be levied.

Appropriation for general expenses.

Provided.

Auditor General to apportion.

Additional tax for appropriation for swamp land fund.

be raised by tax, and the same is hereby appropriated for the payment of the salaries of the State officers and other expenses of the State Government for the aforesaid years which are not otherwise provided for: *Provided*, That no payments shall be made to counties under the provisions of an act entitled "An act to amend section five of act number thirty-one, session laws of eighteen hundred and fifty-eight, being section fifty-three hundred and ninety-four of Howell's Annotated Statutes of eighteen hundred and eighty-two, relative to the sale and reclamation of swamp lands and securing preëmption of settlers," approved June tenth, eighteen hundred and eighty-five, until a tax is levied and collected for that purpose.

SEC. 2. The Auditor General shall apportion each year the amounts herein directed to be raised among the several counties of this State, as provided by law for the apportionment of State taxes: *And provided further*, That there shall be levied and collected in the same way as herein provided and in addition to the sums hereinbefore named the further sum of fifty-seven thousand three hundred and thirty-three and two-thirds of a dollar for the year eighteen hundred and eighty-six, and a like sum each year for five successive years thereafter to pay the amount now due to the counties as provided for in said section fifty-three hundred and ninety-four, and denominated therein as a "Swamp Land Fund."

Approved June 18, 1885.

[No. 223.]

AN ACT to extend the time limited in act number sixty-eight of the session laws of eighteen hundred and eighty-three, for laying out a State road in Grand Traverse county; to authorize the commissioner appointed by virtue of said act to lay out a branch State road in said county, and to authorize said commissioner to expend money or labor contributed in laying out and opening said State roads.

Extension of time.

SECTION 1. *The People of the State of Michigan enact*, That the time limited in act number sixty-eight of the session laws of eighteen hundred and eighty-three, entitled "An act to provide for the laying out of a State road in the county of Grand Traverse," for the laying out and establishing the State road described therein, be and the same is hereby extended one year.

Commissioner, to lay out, etc., branch road from — to —.

SEC. 2. The commissioner appointed under said act number sixty-eight of the session laws of eighteen hundred and eighty-three is hereby empowered and authorized, and it shall be his duty, within the time limited for laying out and establishing said State road, to lay out and establish a branch thereof, from some point on said State road, in Grand Traverse county, in a southwesterly direction to the county line between the counties of Benzie and Grand Traverse, and in laying out and establishing said branch road, said commissioner shall have the same powers and duties as those conferred by said act number sixty-eight of the session laws of eighteen hundred and eighty-three.



SEC. 3. In laying out, establishing, and opening said State road and branch, said commissioner is hereby authorized to expend any money or labor that may be contributed by private persons to aid in the construction of said roads. Commissioner authorized to expend contributions, etc.

Ordered to take immediate effect.

Approved June 17, 1885.

[No. 224.]

AN ACT to amend sections sixteen and eighteen of chapter two hundred and sixty-six of the compiled laws of eighteen hundred and seventy-one, being sections nine thousand six hundred and forty-nine and nine thousand six hundred and fifty-one of Howell's Annotated Statutes, relative to county jails.

SECTION 1. *The People of the State of Michigan enact*, That sections sixteen and eighteen of chapter two hundred and sixty-six of the compiled laws of eighteen hundred and seventy-one, being sections nine thousand six hundred and forty-nine and nine thousand six hundred and fifty-one of Howell's Annotated Statutes, be and they are hereby amended to read as follows: Sections amended.

(§9649.) SEC. 16. In each county of this State the judge of probate, the county agent of the State Board of Charities and Corrections, together with the county superintendents of the poor, shall be inspectors of the jails respectively. Who to inspect jails.

(§9651.) SEC. 18. It shall be the duty of such inspectors to visit and inspect the said prisons, in the month of May, and also in the month of November, in each year, and at the next term of the circuit court which shall thereafter be held in their county, to present to such court, on the first day of its sitting, a detailed report of the condition of such prisons at the time of such inspection, and such inspectors shall send a copy of such report as soon as made to the circuit court, to the State Board of Corrections and Charities at Lansing. Duty as to visiting. Report on.

This act is ordered to take immediate effect.

Approved June 17, 1885.

[No. 225.]

AN ACT to amend section forty-five of chapter one hundred and fifty, being section four thousand two hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, as amended by act number sixteen of the session laws of eighteen hundred and seventy-seven, being section five thousand seven hundred and five of the General Statutes of the State of Michigan, compiled and annotated by Andrew Howell, entitled "An act relative to alienation by deed, and the proof and recording of conveyances and the canceling of mortgages."

SECTION 1. *The People of the State of Michigan enact*, That section forty-five of chapter one hundred and fifty, being section four Section amended.

thousand two hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, as amended by act number sixteen of the session laws of eighteen hundred and seventy-seven, being section five thousand seven hundred and five of the General Statutes of the State of Michigan, compiled and annotated by Andrew Howell, entitled "An act relative to alienation by deed, and the proof and recording of conveyances and the canceling of mortgages," be and the same is hereby amended so as to read as follows:

Mortgageor's  
petition to cir-  
cuit court.

(§5705.) SEC. 45. Any person whose lands are encumbered by a mortgage duly recorded, that has been paid and satisfied, or where no suit has been commenced, within fifteen years from and after any such mortgage shall become due and payable, or within fifteen years after the last payment was made on such mortgage, may present a petition to the circuit court for the county in which such lands so encumbered are situated, duly verified by the oath of said petitioner, stating the facts in regard to said payment, or of the non-commencement of any suit within the said fifteen years, and also that the present residence or whereabouts of the mortgagee, or his assigns, if the same shall have been assigned, is unknown to the said petitioner, and that he has been unable to ascertain the same after diligent search and inquiring, or stating that the mortgagee or the assignee, if the same has been assigned, is deceased; and that at least three months have elapsed since the death of the deceased; and that the names and residence of the legal representatives, if any there are, of the mortgagee or assignee, are unknown to the petitioner; and that he has been unable to ascertain the same after diligent search and inquiry. He shall also set up in said petition the names of mortgageor and mortgagee, the date of said mortgage, the liber and page of the record thereof. Upon the presentation of said petition the said court may proceed to hear and determine the truth of the matters therein stated, and if it shall be made to appear to said court, either by the production in evidence of the original mortgage, or of the bond or notes accompanying the same: *Provided*, Said mortgage was collateral security for the payment of a bond or notes, and proving to the satisfaction of said court that such mortgage, or bond, or notes came into the possession of the said petitioner by payment in full, both of principal and the interest thereon to the time of such payment, by competent evidence, or if it shall be made to appear to said court, by competent evidence, that no suit or proceedings has been commenced to foreclose such mortgage after said mortgage had become due and payable, or within fifteen years after the last payment was made on such mortgage, the court shall make a certificate to that effect, setting forth therein the names of the witnesses, and the nature of the evidence by which such facts have been made to appear and a minute thereof shall be entered in the journal of said court, and such certificate signed by the judge of said court, and attested by the clerk thereof under the seal of said court shall be delivered to said petitioner.

If proofs are  
satisfactory  
court to deliver  
petitioner an at-  
tested certifi-  
cate.

Approved June 17, 1885.

[No. 226.]

**AN ACT** to compel foreign corporations and joint stock companies organized for the purpose of smelting, refining, or reducing iron, lead, copper, or other ores and minerals, doing business in the State of Michigan, to make annual reports to the Auditor General.

**SECTION 1.** *The People of the State of Michigan enact,* That every foreign corporation or joint stock company engaged in the business of smelting, refining, or reducing iron, lead, copper, or other ores and minerals within this State, shall make annual reports to the Auditor General of the State, and shall be subject to taxation as hereinafter provided.

To make annual report to Auditor General.

**SEC. 2.** It shall be the duty of the president, vice-president, general manager, superintendent, secretary, or treasurer of every such corporation or joint stock company now or hereafter organized under the laws of any other of the States and doing business in this State as aforesaid, to furnish the Auditor General, on or before the first Monday of July of the year of our Lord eighteen hundred and eighty-five, and each year thereafter, a statement under oath, and in such form as the Auditor General may prescribe, showing the following facts:

Duty of officers of said corporation to make statement.

*First,* The original capital stock actually paid in;

To contain.

*Second,* The subsequent increase of capital stock by reason of the extension and construction of the works of such corporation or joint stock company, and all other permanent additions of capital thereto;

*Third,* The number of furnaces, buildings, and amount of real estate actually used in carrying on the business of such corporation or joint stock company;

*Fourth,* The amount of real estate and other property of every kind and description owned by such corporation or joint stock company not occupied or necessary to the carrying on of the business in which it is engaged;

*Fifth,* The amount of actual cash capital or earnings since the organization of any such corporation or joint stock company;

*Sixth,* The amount of assets of every kind and nature, estimated at the actual cash value thereof, over and above the cash surplus owned or earned since the organization of the same;

*Seventh,* The number of shareholders, their names and places of residence, together with the number of shares of stock held by each person on the thirty-first day of December of each year;

*Eighth,* The par value of each share of stock and the actual amount in cash called in upon each share of the same;

*Ninth,* The aggregate amount of dividends paid since the organization of such corporation or joint stock company, and the amount paid each year;

*Tenth,* The amount of coal consumed each year, estimated in tons of twenty-two hundred and forty pounds, and classified as to varieties used, also the amount of all other fuel consumed;

*Eleventh*, The amount of limestone or other fluxing material used in smelting during the year and its value;

*Twelfth*, The total amount of skilled and unskilled labor employed during the year, classifying the same so as to show the number of common laborers, the number of all officials both in and without the State, the number of "bosses," with the wages paid each class, and how paid, whether by the day, month, year, or otherwise;

*Thirteenth*, The amount of mineral smelted and for whom smelted, whether for a company or individual, giving the name or names, the net yield in smelted or refined metal, together with the charge therefor, to be reported each item by itself;

*Fourteenth*, The gross amount of unenumerated costs, with such unenumerated general items as may be feasible to give in detail, or the gross sum of the same for each year's work;

*Fifteenth*, The detailed costs of transportation of all material consumed or used, given separately when received by water or railroad;

*Sixteenth*, The amount of capital invested out of the State, and how invested, together with a statement of all other investments other than the amount actually invested in the business conducted in this State.

To be in triplicate and under oath.

How acknowledged.

Where reports to be filed, etc.

Perjury.

Neglect to file report a misdemeanor.

Penalty for.

SEC. 3. Such report shall be executed in triplicate by the person making the same and shall be sworn to before some officer authorized to administer oaths. If sworn to outside the limits of the State, it shall be before a commissioner for Michigan, a notary public having a seal, or other person authorized to take the acknowledgments of deeds, but unless the acknowledgment be taken before a commissioner appointed by the Governor of this State for that purpose, such reports shall have attached thereto a certificate of the clerk or other proper certifying officer of a court of record of the county or district, or of the Secretary of State of the State or Territory within which such acknowledgment was taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment was at the date thereof such officer as he is thereon represented to be, and that he believes the signature of such person to such certificate of acknowledgment to be genuine, and that the same is executed and acknowledged according to the laws of such State, Territory, or district. One of said duplicate reports shall be filed with the clerk of each county in which their works or any part thereof may be located, and one with the Auditor General as hereinbefore provided. All of said reports to be filed at the same time as near as may be. If any person signing said reports shall, as to any material fact therein stated, willfully swear falsely he shall be deemed guilty of the crime of perjury.

SEC. 4. If the said officers or either of them mentioned in section two of this act shall neglect for a period of sixty days after the said first Monday of July of each year to make and file the reports in manner and form as required by this act, they shall be deemed guilty of a misdemeanor, and such of them as shall be found within the State may be proceeded against accordingly, and shall be liable to a fine of not less than three thousand or more than five thousand dollars for each and every offense. And such corporation for

every such neglect upon the part of its officers to make and file annual reports within the time limited, shall forfeit not less than three nor more than ten thousand dollars, in addition to any fine or fines collected of the officers of such corporation or joint stock company, in the discretion of the court, to be recovered in an action of trespass on the case in any court of competent jurisdiction. A continued refusal or neglect upon the part of such corporation, joint stock company or its officials to file such annual reports after any suit or action brought to enforce the penalty for noncompliance with the provisions of this act, shall work a forfeiture of the right to do business within the State of Michigan, and it shall be the duty of the Attorney General upon such offense being brought to his notice, to institute the proper proceedings to enforce said penalty.

Approved June 17, 1885.

[No. 227.]

AN ACT to provide for the construction and maintenance of drains and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto.

- CHAPTER I.—DRAINS.  
 II.—DRAIN COMMISSIONERS.  
 III.—LOCATION OF DRAINS.  
 IV.—CONSTRUCTION OF DRAINS.  
 V.—ASSESSMENT AND REVIEW.  
 VI.—LEVY AND COLLECTION OF DRAIN TAXES.  
 VII.—DRAINS TRAVERSING MORE THAN ONE COUNTY.  
 VIII.—ESTABLISHED DRAINS.  
 IX.—MISCELLANEOUS.

## CHAPTER I.

### DRAINS.

SECTION 1. *The People of the State of Michigan enact*, That drains may be located, established, constructed, and maintained, and drains and water courses may be cleaned out, straightened, widened, deepened, and extended, whenever the same shall be conducive to the public health, convenience, or welfare. Establishment and cleaning out of drains and water courses.

SEC. 2. The word "drain," whenever used in this act, shall be deemed to include any water course or ditch opened or proposed to be opened and improved, for the purpose of drainage, and any artificial ditch or drain, levee, dyke, or barrier, proposed or constructed for such purpose. The word "drain" to include what.

## CHAPTER II.

### DRAIN COMMISSIONERS.

SECTION 1. There shall be elected at the annual township meeting in the year eighteen hundred and eighty-six and every second year thereafter, in each organized township of this State, one township drain commissioner, who shall hold his office for the term of two years, and until his successor shall be elected or appointed. Election of township drain commissioner. Term of office.



**Oath and bond.** and qualified. Before entering upon the duties of his office, and within ten days after his election or appointment, such township drain commissioner shall take and subscribe the oath of office required by the constitution of this State, and shall file the same with the township clerk. He shall also within the same time execute and file with such clerk a bond to the township in the penal sum of one thousand dollars, with two or more sureties to be approved by the supervisor or clerk, conditioned upon the faithful discharge of the duties of his office. Whenever a vacancy shall occur in the office of township drain commissioner, the township board shall fill the same by appointment for the remainder of the term in which such vacancy occurred, and such officer so appointed shall qualify and give bonds in the same manner as if he had been regularly elected.

**Vacancy to be filled by appointment of the township board.**

**County drain commissioner; appointment of and term of office.**

**Present incumbents to continue in office.**

**Vacancy; how and by whom filled.**

**Proviso.**

**Oath and bond.**

**Drain commissioners to hold for remainder of term.**

SEC. 2. The board of supervisors of each organized county in this State shall at their annual meeting in the year eighteen hundred and eighty-five, and every second year thereafter, appoint one county drain commissioner, whose term of office shall be two years, and shall begin on the first day of January following his appointment. All county drain commissioners holding office at the time this act takes effect, shall continue in office until the first day of January, eighteen hundred and eighty-six, and no longer. In case of a vacancy in the office of county drain commissioner occurring thirty days or more previous to a regular or special meeting of the board of supervisors, the same shall be filled within ten days, or as soon thereafter as practicable, by appointment by the county clerk and prosecuting attorney of the county, and the person so appointed shall hold his office until the next regular or special meeting of the board of supervisors, when the said board shall fill such vacancy: *Provided*, That if the board of supervisors of any county, upon a full consideration of the matter, shall deem it not advisable to appoint a county drain commissioner, the provisions of this section shall not be deemed mandatory, but such appointment may be made at any subsequent regular or special meeting of such board for any unexpired portion of the official term as fixed by this section. Every county drain commissioner shall, within ten days after his appointment, take, subscribe, and file with the county clerk the oath of office required by the constitution of this State, and shall also within the same time, execute and file with such clerk a bond to the county in the penal sum of three thousand dollars, with two or more sufficient sureties, to be approved by such clerk, conditioned upon the faithful discharge of the duties of his office.

SEC. 3. All county and township drain commissioners heretofore elected or appointed, who may be in office when this act takes effect, shall, except as provided in the last preceding section, continue to hold their respective offices for the remainder of the term for which they have been elected or appointed, and they shall be deemed to be the drain commissioners of their respective counties and townships until their successors are elected or appointed and qualified under the provisions of this act.

SEC. 4. The jurisdiction of the township drain commissioner

shall be limited to all drains having their beginning, entire course, and terminus within his township: *Provided*, All the lands liable to be assessed for benefits on account of such drains are also located therein. The county drain commissioner shall have concurrent jurisdiction with the township drain commissioner, and shall also have jurisdiction over all other drains within his county, except that in all cases where the entire drain shall be laid in one county, and the benefits to be derived therefrom and the assessments for its construction shall extend to lands situated in one or more adjoining counties, then all such drains shall be laid by the commissioners of such counties acting jointly, and all their proceedings shall be had under the provisions of this act regulating the construction of drains traversing more than one county.

Jurisdiction of township drain commissioner. Proviso.

Concurrent jurisdiction of county and township drain commissioners.

County drain commissioners to act jointly.

SEC. 5. In case it is proposed to run a part of a drain through an incorporated city, the whole of such drain shall be located, established and constructed and the assessment for its construction made by the county drain commissioner in the same manner as herein provided for the construction of other drains by county drain commissioners, and wherever the word "township" is used in this act, it shall be construed to mean "city," as the case may be: *Provided*, That when an appeal is taken from the assessment of such commissioner by the owner of lands in a city, such appeal shall be made to the common council of such city, subject in every other respect to the provisions of this act covering appeals made to township boards.

County drain commissioner may run drain through a city.

Word township construed to mean city.

Appeal to be taken to common council.

SEC. 6. It shall be the duty of each county and township drain commissioner to make and keep a full financial statement of each drain laid out by him. The county drain commissioner shall also make and keep in his office, in a book to be provided for that purpose, a complete record of each drain laid out or applied for under his supervision, under the provisions of this act, which record shall include a copy of the application for the laying out of the drain, of the minutes of the survey, of the release of the right of way where the same has been released, together with the minutes of his doings, of his orders of determination of necessity, and of establishing the drain and his assessment of benefits, and where special commissioners or a jury have been called it shall also contain a copy of the application to the probate court, of the return of the special commissioners or jury as the case may be, and of all other papers in his office necessary to show a complete history of each drain, all of which said original papers shall then be deposited and filed in the office of the county clerk.

To keep a financial statement.

Record of drain.

Original papers to be deposited in office of county clerk.

SEC. 7. The township drain commissioner shall file all such papers as above specified with the township clerk, whose duty it shall be to make and keep in his office a record of the same, in the same manner as hereinbefore provided for the county drain commissioner, except that each township drain commissioner shall personally keep the record of the financial statement of each drain, and no tax for the construction of a drain shall be spread upon the tax roll, until all the records thereof required to be made by such commissioner are filed with the clerk.

Township drain commissioner to file papers with township clerk.

Record of the same.

May take acknowledgments and administer oaths.	SEC. 8. Drain commissioners may take acknowledgments of releases of rights of way and administer oaths in all proceedings in any way pertaining to drains under this act. A simple form of
Release of right of way.	release of right of way and damages, that shall set forth, by reference to the survey of the drain, or by other convenient description, the particular land intended to be conveyed, and signed and
Sufficient conveyance.	acknowledged by the person having the right to convey, shall be deemed a sufficient conveyance under the provisions of this act.
Right of way to include what.	All releases for right of way shall be deemed to include sufficient ground on either side of the center line thereof for the deposits of the excavations therefrom.
County drain commissioner's report.	SEC. 9. Every county drain commissioner shall make a report to the board of supervisors, at their annual meeting in October, of all drains constructed, finished, or begun under his supervision, during the year then ending, and he shall also render to them a full financial statement of each drain. Each township drain commissioner shall at the annual meeting of the township board in like manner make his report to said board, presenting also the original record kept by him. The reports required by this section shall include an itemized statement of all expenses and disbursements on account of each and every drain laid or operated by him during the year, and a debit and credit balance of every such drain. Each county and township drain commissioner shall be liable on his bond for any misapplication of moneys coming under his control as such drain commissioner.
Financial statement. Township drain commissioner's report.	
Reports to include what.	
Liability of county and township drain commissioner.	
Who eligible to the office.	SEC. 10. No person holding the office of supervisor or township clerk shall be eligible to the office of drain commissioner, and any drain commissioner accepting the office of supervisor or township clerk shall thereupon be considered as having vacated the office of drain commissioner.
The term "commissioner" to apply to whom.	SEC. 11. The term "commissioner," wherever used in this act shall apply to county drain commissioner and to township drain commissioner respectively, as the circumstances or jurisdiction in each case may determine.

### CHAPTER III.

#### LOCATING OF DRAINS.

Application for drain.	SECTION 1. Before the commissioner takes any action toward locating or establishing any drain, there shall be filed with him an application, signed by not less than five freeholders of the township or townships in which such drain or the lands to be drained thereby and to be assessed therefor may be situated, one or more of whom shall be owners of lands liable to be assessed for benefits in the construction of such drain, giving a general description of the beginning, the route and the terminus thereof. Such applicants shall be jointly and severally liable for all costs and expenses, in case the commissioner upon examination, or upon examination and survey, shall determine that the same is unnecessary or impracticable, or in case the proceedings shall be dismissed for other cause. If the persons signing such applications shall refuse to pay such
Liability of applicants for costs.	
Suit for costs.	

costs and expenses, the commissioner shall bring suit in a court of competent jurisdiction and collect such costs and expenses, with costs of suits. If upon the presentation of such application the commissioner shall deem the financial responsibility of the petitioners insufficient, he shall have the right to return such application for additional signatures. Insufficient financial responsibility.

SEC. 2. When application shall be made to any township drain commissioner for the establishment of any drain, and it shall appear to such commissioner that he is interested in the construction of such drain by reason of its traversing any of his lands or benefiting them so that they may be liable to be assessed for benefits in the construction thereof, or that he is otherwise interested therein, then such commissioner, before taking any action thereon shall, in counties where there is a county drain commissioner, transfer such application to the county drain commissioner, who shall thereupon have complete jurisdiction over such application and the drain proposed to be constructed thereunder, and in case there is no county drain commissioner, he shall proceed to act as in other cases. Such transfer of the application, together with all other papers pertaining to such drain shall also be made by such township drain commissioner whenever a majority of the persons liable to be assessed for the construction of such proposed drain shall serve a notice in writing upon him, signed by them, to transfer such application to the county drain commissioner, a copy of which said notice shall at the same time be also served upon said county drain commissioner: *Provided*, Such notice shall be served upon said township drain commissioner at any time before the expiration of the twenty days allowed to expire after he has made his order of determination, as provided in the next following section. Township drain commissioner to transfer application to county drain commissioner.

SEC. 3. Upon the filing of such application, the commissioner authorized to act thereon shall, as soon as practicable thereafter, proceed to personally examine the route of the proposed drain, and if, in his opinion, it is necessary and conducive to the public health, convenience, or welfare, that the application should be granted, he shall, as a means of determining the practicability thereof, make a survey and measurement of the line of the proposed drain, or cause the same to be made by a competent surveyor. If upon such survey, he shall find such drain to be practicable, he shall make his order of determination in writing in accordance therewith, and shall establish the commencement, route, and terminus of said drain, and the width, length, and depth thereof, and shall set survey or grade stakes, not more than ten rods apart. For such purpose he shall have the right to enter upon any lands traversed by the route of the proposed drain, or otherwise connected with the purpose of the proceeding. In locating such drain the commissioner shall not be limited or confined to the precise starting point, route or terminus set forth in the application. The record or minutes of the survey shall show the line and route of the drain, and the width of surface excavation that will be required in its construction, and shall also show by tracing on either side, and by words or letters and figures, the width of ground that will be To examine personally the route of the proposed drain.

To cause survey to be made.

Order of determination.

May enter upon lands.

Not confined to starting point.

Record of survey to show what.

required for the deposition of earth, and every release of right of way shall be deemed to include the extreme width thus shown.

Owners may contract to construct drain.

SEC. 4. If at any time after the commissioner has issued his order of determination establishing such drain as provided in section one of chapter four, and before the letting of any contract for constructing the same, all the owners of the lands through which or for the benefit of which such drain is located, shall by themselves, their agents, or attorneys pay to the commissioner all the costs and expenses thus far incurred by him, and shall severally or jointly enter into a contract, with good and sufficient sureties, and in such sum as the commissioner may require, to construct so much of such drain and on such route and of such dimensions as the commissioner may in such contract determine, and to pay all expenses necessarily to be incurred in the construction of the same, then the commissioner may so contract with such owner or owners, and such drain, when so finished and accepted, shall be certified by the commissioner as a drain lawfully constructed in pursuance of the provisions of this act, and shall be recorded in the same manner as other drains. If any of such contracts are not fulfilled by the time limited therein, the commissioner shall contract with other parties for the completion of the work, and the parties so in default and their sureties shall be liable for all costs and expenses attending such default.

In what case commissioner may contract to other parties.

When commissioner shall institute condemnation proceedings.

SEC. 5. If within twenty days after the making of such order of determination, as provided in section four of this chapter, all the persons through whose lands the proposed drain is to pass shall not have executed a release of right of way and all damages on account thereof, the commissioner shall, as soon as practicable, make application to the probate court of the county in which such lands are situated, for the appointment of three special commissioners, who shall be resident freeholders of the county, to determine the necessity for such drain, and for the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be made therefor. Such application shall be in writing and shall set forth:

Application to set forth what.

*First*, The fact that an application for a drain was made, and when, describing the drain, and also giving the route and dimensions thereof, according to the application and survey;

*Second*, That an order determining the necessity for the drain was made by the commissioner, giving the time when the order was made;

*Third*, The names of the persons, if known, who have not released right of way and damages, the description or descriptions of land owned by each such person that shall [will] be affected by the drain, and the description [descriptions] of land owned by non-resident or unknown persons, and the fact that they have each and all neglected or refused to execute release of right of way and damages.

Court to appoint time and place of hearing.

SEC. 6. The court to whom such application is made, shall make an examination at the time of such application of all the proceedings of the commissioner so far as had, and if such proceedings be found to be in accordance with the statute, such court shall at once



appoint a time and place of hearing upon the application, which time shall be fixed not less than thirty nor more than forty days thereafter, and the court shall issue a citation to all persons whose lands are traversed by such drain, or who will be liable to assessments [assessment] for benefits in the construction thereof, and who have not released right of way and all damages on account thereof, to appear at the time and place designated in said citation, and be heard with respect to such application, if they so desire, and show cause, if any there be, why said application should not be granted.

SEC. 7. The citation shall recite so much of the premises as will show jurisdiction, and in the case of resident owners, shall be addressed to such owners by name; in the case of non-resident owners, it shall be addressed to the owner or owners of the several descriptions of land involved. It shall describe the drain by its commencement, terminus, and general course, and shall set forth that lands owned by the persons to whom it is addressed will be crossed by such drain, or will be subject to assessment for its construction, and that a description and survey of such drain is on file with the court issuing the citation. Such citation shall be personally served by the commissioner, or some other competent person, upon every person whose lands are traversed by such drain, or who will be liable to assessment for benefits in the construction thereof and who has not released the right of way and all damages on account thereof, and who is known and resides within the township or townships in which any such lands are situated, by delivering to him a copy thereof, or by leaving the same at his residence with some person of suitable age and discretion, who shall be informed of its contents. In all cases of personal service, at least ten days shall intervene between the day of service and the day of hearing, and the court issuing such citation shall require proof of such service by affidavit, showing the time, place, and manner of such service. Citations shall be served upon townships by leaving a copy thereof with the supervisor, or at his residence; upon cities, by leaving a copy thereof with the mayor or clerk; upon the State, by leaving a copy thereof with the prosecuting attorney of the county in which such lands are situated; upon railroad companies, by leaving a copy thereof with the agent of any ticket or freight office of the company operating such railroad; and upon other private corporations, by serving the same upon the officer or person designated by law in cases of civil process. If any lands involved be non-resident, a copy of the citation so far as it effects such lands shall be published in some newspaper published and circulating in the county in which such lands are located for at least two weeks previous to the day of hearing, which publication shall be deemed to be sufficient notice to all non-resident parties interested in such drain. The first publication of such notice shall be at least fourteen full days before the day of hearing, and proof of its publication shall be made as above provided in case of personal service.

SEC. 8. The court to whom such application is made shall at the time and place fixed in the citation, or at any time to which it may adjourn, and upon proof of service and publication where required,

Citation.

To recite what, and to be addressed to whom.

Drain; how described.

To set forth what.

How served, and upon whom.

Time to intervene between service and hearing.

How served upon townships, cities, State, railroad companies or other private corporations.

Non resident lands, citation to be published.

Hearing by the court.

proceed to hear all persons whose estate or interests are to be affected by the proceedings, and such persons may show cause against the prayer set forth in the application, and may disprove any of the facts alleged therein, and said court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer set forth in said application, said court shall make an order appointing three disinterested and competent resident freeholders as special commissioners to ascertain and determine the necessity for such drain, and to appraise and determine the damages or compensation to be allowed to the owners or parties interested in the real estate proposed to be taken for the right of way of such drain. Such court shall, immediately upon the appointment of such commissioners, and with the concurrence of the drain commissioner, appoint a time and place (such time to be not less than five or [nor] more than fifteen days thereafter), at which such special commissioners shall meet the drain commissioner and other parties in interest, to consider of the matters and things with respect to which they have been appointed, and said court shall make public announcement thereof, and thereupon the proceeding shall be deemed a continuing proceeding, and no further notice of the time and place of hearing shall be required and such appointment and announcement shall be made a part of the record in the case: *Provided*, That any one person whose estate or interest is to be affected by the proceedings may demand and have from such court at the time of hearing of said application, a jury of twelve freeholders of said county to ascertain and determine the necessity for taking or using such lands, and to appraise and determine the damages and compensation to be allowed therefor. The demand of any one of the parties interested for a jury shall be deemed to be a demand for all, and if no jury be demanded on the part of any person interested in said proceedings before the appointment of special commissioners shall be made by such court, his or her right to the same shall be deemed to have been waived. Whenever such demand for such jury shall have been made, the court shall proceed in the same manner as is provided by law in case a jury is demanded for taking private property for the use of railroad companies, and all further proceedings in the matter had by such court and jury shall be in conformity with the provisions of law, as aforesaid, so far as the same shall apply: *Provided*, That when such jury shall have made their report, and the same shall have been confirmed by such court, a certified copy of such order of confirmation shall be furnished by the court to the drain commissioner.

Appointment of commissioners.

Time and place of meeting.

May demand a jury.

Right to jury waived when.

Proceedings the same as in the case of railroad companies.

To furnish drain commissioner with copy of order.

Proceedings when no jury is called for.

Commissioners to be sworn.

SEC. 9. If no demand for a jury shall be made, and the court shall have granted the prayer set forth in the application, such court shall proceed to deliver to the drain commissioner a copy of the order appointing the special commissioners, and the drain commissioner shall notify such special commissioners of their appointment, and of the time and place they are required to meet with him, and with the other parties in interest. They shall be sworn to faithfully discharge the duties of special commissioners in the matter in which they are called to act, and to well and truly determine the necessity

of such drain, and of the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be paid therefor. The said commissioners, with the drain commissioner and other parties in interest, who may be present, shall meet at the time and place ordered by said court, and proceed at that time, or at any time to which they may adjourn, to view said premises, and for such purpose they shall have the right to enter upon any lands traversed by the route of the proposed drain.

To view the land.

SEC. 10. The said special commissioners shall hear the proofs and allegations of the several parties in interest, and shall ascertain and determine the necessity for such drain, and for the taking of such private property for the use and benefit of the public for the purpose thereof, and the just compensation to be made therefor in each case, which compensation shall be determined without reference to any benefits that may accrue to the land in consequence of the construction of such proposed drain. There shall be produced by the drain commissioner at such hearing, the original application for the laying out of such drain, and the minutes of his action thereon, so far as had; also copies of the order of determination, and of the application to the probate court, with the citation annexed, the minutes of the surveyor signed by him, and the order appointing the special commissioners. The commissioners may adjourn such hearing from day to day, for any cause, not exceeding in all ten days, announcement of which adjournment shall be then and there publicly made.

To hear proofs, etc.

Benefits not to be allowed.

Drain commissioner to produce original application, etc.

May adjourn not to exceed ten days.

SEC. 11. The said special commissioners shall, within fifteen days from the date of their first meeting, make a return in writing of their hearing, determination, and of their several awards, and shall file said return with the drain commissioner, who shall examine the same, and if he shall find such return not to be in substantial conformity with the statute he shall return the same to the special commissioners for correction, with his objections in writing. The special commissioners shall thereupon proceed to correct their return, and file the same with the drain commissioner within five days. When the drain commissioner shall find such return to be without material error, he shall file the same with the other papers in his possession pertaining to such drain. Such return shall be deemed a sufficient conveyance to vest the fee of the lands necessary to be taken for such drain, and upon which damages are awarded, in the township in which they are situated, in trust to and for the uses and purpose of drainage and for no other use or purpose whatever: *Provided*, That the amount of compensation that may have been awarded therefor shall have been paid or tendered or secured to the person entitled thereto, as hereinafter provided.

To make return within fifteen days.

To file with drain commissioner.

Shall return the same if it does not conform with the statute.

To be corrected and re-filed in five days.

When correct to be filed by the drain commissioner.

Such return shall be deemed a sufficient conveyance.

Proviso.

SEC. 12. In case the special commissioners or jury shall decide such drain to be unnecessary they shall so state in their return, and the drain commissioner shall thereupon dismiss the proceedings at the cost of the applicants, and no further application for the same object shall be entertained within one year thereafter.

In what case proceedings to be dismissed with costs to the applicant.

No other application can be made within one year.

SEC. 13. If at any time before the appointment of special commissioners or jury, provided for in this act or at any time before the

In case of release of right of way proceedings to be discontinued, and commissioner to proceed as if no application for special commissioner had been made.

Commissioner's order for the award.

To be tendered to party before construction of drain.

In case owner is unknown, minor, etc., where deposited.

Order to be paid by the county or township treasurer.

In what case tender to be made in money.

May have order discounted.

Proviso.

When tender refused, where deposited.

Drains may be laid within right of way.

filing of their return and award of damages, all of the parties through whose lands the proposed drain is to pass shall execute a release of right of way, and all damages on account thereof, then all proceedings for the appointment of special commissioners and all action taken by them after their appointment shall be discontinued and void, and the drain commissioner shall proceed as if no application for special commissioners had been made.

SEC. 14. The drain commissioner shall draw his orders severally, on the county or township treasurer, as the case may be, for the amounts awarded in the return of the special commissioners or jury, describing in each order the lands in payment whereof it is drawn, and before such drain shall be constructed such order shall be tendered by the drain commissioner to the party entitled thereto, provided that if the owner of any lands upon which damages have been awarded be unknown, and such lands be not occupied, or in case of a minor, an insane or otherwise incompetent person, such order shall be deposited with the county or township clerk, as the case may be, payable to the owner of such description of land upon which such damages were awarded. Such order shall be held by such clerk to be delivered by him to the owner of such lands when called for or otherwise legally demanded, and the same shall thereby be deemed to have been lawfully tendered to the owner of such lands. It shall be the duty of such county or township treasurer, at any time upon presentation to him of any such drain order drawn for the payment of such right of way or damages, to pay the same out of any moneys in his hands belonging to the general fund of such county or township, and refund such amount out of the first moneys collected by him on account of such drain.

SEC. 15. If the owner of any lands upon which such damages have been awarded shall, upon the tender of such order to him, refuse to accept the same, the commissioner shall make such tender in lawful money, and for that purpose he shall be authorized to endorse such order and present the same to the township or county treasurer, as the case may be, for payment, and it shall be the duty of such treasurer to pay such order as hereinbefore provided. If, however, there shall be no money in the general fund of such township or county treasury, the commissioner shall be authorized to have such order discounted wherever he may be enabled to do so: *Provided*, Such discount shall not be more than at the rate of ten per cent per annum, and he shall charge the amount of such discount to the expense and cost of such drain, and draw his order therefor. The commissioner shall thereupon make to such owner a tender, in lawful money, of the amount awarded to him, and if he shall refuse to accept such money, the commissioner shall deposit the same with the county or township treasurer, as the case may be, taking duplicate receipts therefor, one of which he may retain, and the other he shall file with the county or township clerk, as the case may be. Such money shall be held by such treasurer, to be delivered by him to such owner when called for, or otherwise legally demanded.

SEC. 16. Drains may be laid along the line of any railroad within its right of way: *Provided*, Such drain shall not be to the injury of



the road bed. Whenever it is proposed to construct a drain along the line and within the right of way of any railroad, and the company owning or operating such road shall refuse or neglect to permit such drain to be constructed, or release the right of way therefor, within the time prescribed in section five of chapter three, such release shall be obtained in the same manner as is provided in this act for obtaining private lands: *Provided*, That no drain shall be constructed along the line of any railroad without the consent of the company owning or operating such road, if it shall appear to the special commissioners or jury, that such drain can equally well be laid on private lands.

Release obtained as in other cases.

Provide.

SEC. 17. Whenever it is necessary to run a drain across the right of way or road bed of any railroad, it shall be the duty of the railroad company, when notified by the commissioner so to do, to make and maintain [the necessary opening through said road bed and to build and maintain] a suitable culvert. Notice in writing to make such opening and to construct such culvert shall be served upon such company by leaving a copy thereof with the ticket or freight agent, or general officer of such railroad company, at least thirty days before such railroad company shall become liable.

Running drain across railroad.

Duty of the railroad company.

Notice to be served upon whom and when.

SEC. 18. In case such railroad company shall refuse or neglect to comply with the provisions of the preceding section, it shall be liable to a penalty of ten dollars for each day's refusal or neglect to make such opening and construct such culvert. The prosecuting [attorney] of the county in which such railroad company shall have refused or neglected to comply with the provisions of the preceding section shall, upon complaint being made by the commissioner, bring suit to collect such penalty or fines, and it shall be his duty to prosecute the same to a final determination in any court having competent jurisdiction.

Penalty for refusing to make opening, etc.

Prosecuting Attorney to collect.

SEC. 19. Drains may be laid along and within the limits of or across any public highway: *Provided*, That when it is proposed to construct a drain in whole or in part along a public highway, the owners of the lands abutting on the side of the highway along which such drain is proposed to be laid, shall be considered as still owning the fee of such land, and it shall be necessary for the commissioner to obtain from them severally a release of their rights to so much of said highway as is necessary and proposed to be taken for the right of way of said drain and for all damages on account thereof. In case such release is not executed within the time prescribed in section five of chapter three, such release shall be obtained in the same manner as is provided in this act for obtaining private lands.

Proceedings when drains to be laid in highway.

SEC. 20. All that part of such drain, which is laid and constructed along or within the limits of or across any public highway shall be under the jurisdiction of the overseer of highways, and it shall be his duty to keep the same open and free from all obstructions, and when any highway is subsequently constructed along or across such drain, then so much of said drain as shall come within the limits of such highway shall also be kept open and free from obstructions, as above provided.

Under the jurisdiction of overseers of highways.



The cost of certain bridges to be charged to whom.

SEC. 21. When any drain crosses a highway, the cost of constructing the necessary bridge or culvert shall be charged in the first instance as part of the cost of construction of such drain, after which such bridge or culvert shall be maintained as part of the highway. When a drain passes along a highway, there shall be constructed at least one bridge or passage way across such drain connecting the highway with each enclosed field, and with each farm entrance, which bridge or passage way shall also be charged in the first instance as a part of the construction of such drain, after which such bridge or passage way shall be maintained by the owner of the land.

Blind drains.

SEC. 22. The commissioner may order the construction of blind drains by the use of drain tiles or sewer pipe, when the nature of the ground will admit thereof. When any such blind drain is to be constructed across any lands, so that the surface of the land can be restored, the special commissioners in making their award of damages shall take that fact into account. Any person through whose land an open drain has been constructed, may make a written request to the commissioner to be permitted to tile and cover with earth the whole, or any part thereof that may traverse his land, and the commissioner may grant such request, but in doing so he shall prescribe the size of the tile to be used. When blind drains are constructed the entrance thereto shall be substantially protected from drift wood and debris.

Drains may be laid into any lake, etc., if it does not impair the navigation thereof.

SEC. 23. Drains may be laid or extended into or along or from any lake or other body of water surrounded wholly or in part by a swamp, marsh, or other low lands, for the general purpose of drainage contemplated by this act, but not so as to impair the navigation of any navigable water.

## CHAPTER IV.

### CONSTRUCTION OF DRAINS.

Order establishing and naming the drain.

To divide into sections.

Grade, etc., to be marked on each stake.

Diagram to be filed.

Notice of the time and place of letting to be posted and published.

SECTION 1. Upon the release of right of way and damages, or upon the determination and return of the special commissioners, or the order of the probate court, as the case may be, the drain commissioner shall make his final order establishing the drain, and shall give the same a name by which it shall be known and recorded; he shall also, without delay, proceed to divide the route thereof into convenient sections, for the letting of the work, and shall mark the grade on each stake, from stake to stake, along the whole length of such drain. He shall also mark on each stake the number of each section, or division, from the lower end, and the length in feet or rods which each section contains, and shall make a diagram corresponding with the divisions so made and shall file the same with the other papers pertaining to such drain. He shall not give [give not] less than ten days' notice of the time and place of letting, by posting notices thereof in five or more public places in each township traversed by such drain, and by causing a notice thereof to be published not less than two insertions in one or more weekly newspapers published and of general circulation in the county.

Such notice shall also state that at the time of such letting, or at such other times or places as the commissioner may designate (which time may be before or after such letting), the assessment or [of] benefits will be subject to review. On such review the commissioner of highways of any township may appear on behalf of such township. At such review the commissioner shall hear the proofs and allegations of all parties in interest, and shall carefully reconsider and review his assessment of benefits and equalize the same as may seem just and equitable.

Notice of the review of the assessment of benefits.

SEC. 2. At the time and place of letting, and before receiving any bids, the commissioner shall have the right and it shall be his duty to determine whether the whole of the per cent of the taxes to be spread for benefits to lands in the construction of such drain, shall be assessed and collected in that same year, or whether the same shall be divided into two equal installments, one installment to be collected in that same year, and the other installment in the year next following. Such determination, however, shall be made then and there, and shall be publicly announced for the information of bidders: *Provided*, That the per cent of tax determined by the commissioner to be assessed against townships shall all be spread in the first year.

To determine whether the tax shall be raised in one or two years.

Proviso.

SEC. 3. The commissioner shall thereupon proceed to receive bids and let jobs for the construction of the sections, and make contracts with the lowest responsible bidder giving adequate security for the performance of the work. Such security shall cover the completion of the job in the manner, and within the time fixed in the contract, and shall be in a sum to be fixed and determined by the commissioner. He shall first let the section at the outlet of the drain, and shall let each remaining section in its order up stream. The commissioner shall reserve the right to reject any and all bids, and may adjourn such letting in whole or in part, from time to time, to such other time or place, to be by him at the time of such adjournment publicly announced, as shall to him seem proper, but not in all more than forty days from and after the time of letting first advertised. The parties who are assessed a tax for benefits in the construction of such drain, and who may be bidders for contracts thereon, shall, if equal bidders with other parties, be preferred in awarding such contracts. No payment exceeding two-thirds of the amount earned on any contract, shall be made to any contractor until after the completion and acceptance of his work by the commissioner.

Receiving bids and letting jobs.

Security.

Order of letting sections.

Right to reject bids.

Letting may be adjourned not to exceed forty days.

Preferred bidders.

Limitation as to payment.

SEC. 4. The commissioner shall have power to grant a reasonable extension of time for the completion of any contract. When any contract shall not be finished within the time specified, or to which it may be extended, the commissioner shall declare such contract forfeited, and shall within a reasonable time thereafter, re-let the unfinished portion thereof to the lowest responsible bidder, by public letting, after not less than five days' notice thereof, by posting only, as provided for the letting in the first instance, or by private letting when such can be done at a price per rod for the uncompleted portion thereof not exceeding the price per rod at which the job was first let, and he shall make contract and take security in each case

Time may be extended.

Forfeited contract.

Reletting.

Cost of completing to be collected, etc.

Proviso.

as hereinbefore provided. The cost of completing such part over and above the contract price, if any, and the expense of notice and re-letting shall be collected by the commissioner of the parties first contracting or of their bondsmen: *Provided*, That in no case shall the commissioner declare any such contract forfeited without first giving five days' notice thereof to the contractor if he can be found, and if not found, then by a written notice left at his last place of residence, with some person of suitable age and discretion, who shall be informed of its contents, if such contractor have a known residence within the county.

## CHAPTER V.

### ASSESSMENT AND REVIEW.

Apportionment of cost of construction.

Apportionment of benefits.

Apportionment to be announced at the time and place of letting.

Review, etc., appeal.

Proviso.

In what case no appeal.

Appeal.

Notice of.

Bond for to be approved.

Appeal to state what.

Meeting of township board to consider appeal.

SECTION 1. The commissioner shall apportion the per cent of the cost of construction of such drain which any township traversed thereby shall be liable to pay by reason of the benefit to the public health, convenience or welfare, or as the means of improving any highway, and he shall also apportion the per cent of benefits to accrue to any piece or parcel of land by reason of the construction of such drain over and above the per cent assessed against such township, as aforesaid, which per cent of benefits shall be apportioned upon and assessed against the lands benefited according to such assessment of benefits, and which apportionments he shall announce at the time and place of letting, as provided in chapter four. Such assessment of per cent for benefits shall thereupon be subject to review and correction and may be appealed from in the manner hereinafter provided: *Provided*, That in all cases when a drain is constructed by the county drain commissioner, and when the lands to be assessed therefor are situated in more than one township, such commissioner shall first determine and apportion among such several townships the per cent of the entire amount to be levied for the construction of said drain which each township and the lands therein situated is to bear. From this determination there shall be no appeal.

SEC. 2. The owner of any lands assessed a per cent for benefit for the construction of any drain, who may conceive himself aggrieved by the assessment made by the commissioner, may within ten days after the day of review, as provided for in the preceding section, take an appeal to the township board of the township in which his lands so assessed are situated, by filing with the township clerk a notice to that effect, addressed to the township board, and by filing also a bond with such clerk in the sum of two hundred dollars with one or more sureties to be approved by such clerk, conditioned upon the payment of all costs in case the assessment made by the commissioner shall be sustained. In such appeal the appellant shall also state whether the State is an interested party.

SEC. 3. The township clerk shall thereupon call a meeting of the township board to consider such appeal. The time for such meeting shall be fixed not less than six nor more than twelve days from the date of filing such appeal. A notice of the time and place for

hearing such appeal shall be posted in at least five public places in said township, and shall be served upon the members of the township board, the commissioner, the appellant if he be a resident of the township, and upon the prosecuting attorney of the county in all cases when the State is an interested party. Such service shall be made not less than six days before the day of hearing and may be made either by personal service or by causing a copy thereof to be left at their several places of residence. At such hearing the board shall have the right to review all assessments. Only one notice of appeal for each drain shall be entertained by the township clerk: *Provided*, That the proceedings in establishing any drain shall be subject to review upon *certiorari*, as herein provided. Notice of such *certiorari* shall be served on the commissioner within ten days after the determination of such commissioner in establishing any drain, as provided in section one of chapter four, in the same manner as notice is required to be given of *certiorari* for reviewing judgments rendered by justices of the peace, and the writ shall be issued and served, and bond given and approved, and the subject matter brought to issue in the same time and manner, as near as may be, as in such cases provided, except that such *certiorari* may be heard by the court during term, or at chambers, upon five days' notice given to the opposite party; and the circuit court of the county shall hear and determine the same without unnecessary delay, and if any material defect be found in the proceedings for establishing the drain such proceedings shall be set aside. If the proceedings be sustained, the party bringing the *certiorari* shall be liable for the costs thereof, and if they be not sustained, the parties petitioning for the drain shall be liable for the costs. If no *certiorari* be brought within the time herein prescribed, the drain shall be deemed to have been legally established, and its legality shall not thereafter be questioned in any suit at law or equity: *Provided further*, That when such proceedings are brought, the commissioner shall postpone the letting of contracts and all other proceedings until after the determination of the court.

SEC. 4. No commissioner from whose assessment an appeal has been taken, and who may be a member of the township board, and no member of the township board whose lands may have been assessed for benefits in the construction of such drain shall act upon such appeal. In case any member of such board shall be so disqualified, his place shall be filled in the same manner, and by the same persons, as is provided by law for other cases of disqualified members of township boards.

SEC. 5. The township board shall proceed, at the time and place specified in the notice, to view the grounds and to review the assessments made by the commissioner, and to hear the proofs and allegations of all parties in respect to the matter of such appeals, and if in their judgment there be manifest error, or inequality in such assessments, they may order such changes to be made as they may deem just and equitable. The action and decision of said board shall be final, and such action and decision shall be reduced to writing and signed by the board making the same, and shall be

Notice of time and place to be posted and served upon whom.

Time of service.

Review of assessments. Only one appeal.

Proviso.

Certiorari.

Notice of to be served when, and on whom.

May be heard at chambers. Notice five days. Hearing. Setting aside proceedings.

Costs, who liable for.

When drain deemed to be legally established.

Proviso.

Who prohibited from acting upon appeal.

How his place filled.

Duty of the township board in case of appeal.

Action final, etc.

delivered to the commissioner, together with all other papers relating thereto.

Who to pay costs.

Township clerk to determine the amount.

May be recovered in any court, etc.

Assessment of benefits.

Descriptions of

Part-paid school and State lands, assessment of benefits to.

State lands to be assessed, but not to exceed fifty per cent of value.

Supervisor to report assessment to Commissioner of the State Land office.

Duty of Commissioner and Auditor General in regard to.

Payment of taxes.

Patent not to issue until tax, etc., is paid.

Further assessment.

No review or appeal from.

SEC. 6. In case the assessment of the commissioner shall be sustained by such township board the appellant shall pay the whole costs and expenses of such appeal. Such costs and expenses shall be ascertained and determined by the township clerk, and if not paid, the appellant shall be liable on his bond, for the full amount of such costs in an action at law to be brought by the commissioner on the bond, before any court having competent jurisdiction.

SEC. 7. All assessments of benefits under the provisions of this act shall be upon the principle of benefits derived. All descriptions of land under the provisions of this act shall be made by giving the legal subdivisions thereof, whenever practicable, and when the tract of land which is to be benefited or affected by such drain is less than such legal subdivision it may be described by designation of the lot or other boundaries, or in some way by which it may be known.

SEC. 8. Part-paid school and State lands shall be assessed their per cent apportioned for benefits, and the collection thereof shall be enforced as State and county taxes against such lands are collected and enforced. State lands shall be included in all assessments for benefits the same as other lands, but the sum of all such drain taxes that may be assessed against any tract of State lands, including all drain taxes heretofore paid upon the same, shall not aggregate a sum greater than fifty per cent of the price at which said lands are held by the State, exclusive of any such taxes that may have been previously paid. Any amount apportioned and assessed upon State lands shall be reported by the supervisor to the commissioner of the State Land Office within ten days after the delivery of his roll to the township treasurer. Said commissioner shall enter on the books of his office, against each description of such State lands the amount of drain taxes assessed thereon, and shall certify the same to the Auditor General, who shall draw his warrant on the State Treasurer therefor to be paid out of any funds in his hands not otherwise appropriated. Such amount shall be forwarded by the Commissioner of the State Land Office, to the supervisor on or before the fifteenth day of January next, and shall by him be applied in payment of such taxes. No patent shall issue for such lands until all such drain taxes are paid with interest at seven per cent.

SEC. 9. Whenever the amount assessed for the construction of any drain shall not be sufficient to complete the same and to pay all the costs and incidental expenses, a further assessment shall be made to meet the deficit or additional expense. Such further assessment shall be apportioned, assessed, levied, and collected as provided in the first instance, and on the same percentage, and shall be collected in one year, but there shall be no review of, nor appeal from, such further assessment.



## CHAPTER VI.

## LEVY AND COLLECTION OF DRAIN TAXES.

SECTION 1. Within ten days after the letting of contracts, and in case of an appeal, then forthwith after such appeal shall have been decided, the commissioner shall make a computation of the entire cost of such drain, which shall include all the expenses of locating, establishing, and constructing the same, including the commissioners' fees, costs of survey, fees and expenses of special commissioners, or jury, and amount of contracts for construction, also the cost of appeal in case the assessment of benefits made by the commissioner shall not be sustained, and all other expenses, and he shall add the whole into a gross sum, and add thereto ten per centum of said gross sum to cover contingent expenses, and the entire sum so ascertained shall be deemed to be the cost of construction of such drain. In case the drain and the assessment therefor shall affect more than one township, the commissioner shall apportion such sum between the several townships so affected upon the basis and per cent determined upon by him as provided in section one of chapter five.

Computation of cost of drain to be made by whom and when.

To be apportioned between the several townships.

SEC. 2. The commissioner shall thereupon make a special assessment roll for such drain for each township affected thereby, which roll shall be designated "(giving the name)—Drain Special Assessment Roll," and he shall enter therein a correct description of all the tracts, parcels, or subdivisions of land benefited by such drain, as provided in sections one and seven of chapter five and place opposite each description the amount of the per cent heretofore determined upon by him or by the township board. He shall also enter thereon the amount of the per cent apportioned to such township and shall add a certificate in writing of his determination made at the time and place of letting whether the taxes assessed for benefits shall be paid in one or two years. Such rolls shall be dated and signed by said commissioner and filed on or before the last Wednesday in September of each year in the office of the clerk of the township or townships in which such lands may be located.

Drain special assessment roll.

SEC. 3. The township clerk shall, on or before the first day of October of each year, make and deliver to the supervisor of his township a certified statement of the several amounts of drain taxes to be assessed upon such township at large, for the ensuing year, and shall specify therein the several amounts to be raised for each particular drain, and also a certified statement of all the descriptions of lands assessed for benefits for each drain, and the amount to be assessed upon each description for such year as determined by the commissioner in his special assessment rolls. The supervisor shall lay such statements before the board of supervisors at their next annual meeting, in the same manner, at the same time, and for like action as is now or as may hereafter be provided in the case of similar statements for township or other local taxes.

Drain taxes; certified statement of.

To be laid before the board of supervisors.

SEC. 4. It shall be the duty of the supervisor to spread on his roll the total amount of all the drain taxes determined upon by the commissioner to be assessed upon the township at large as a part of

Supervisor to spread upon roll.

Tracts or parcels to be assessed for benefits.	the township tax for the year in which the same was assessed, and in the same column with the general township tax. <u>He shall also spread upon said roll separately, and immediately following the other descriptions, all tracts or parcels of land specified by the commissioner to be assessed for benefits,</u> and shall place opposite each
Drain tax.	description, in a column marked "Drain Taxes," the amount of taxes apportioned thereon, as certified [to him] by the township clerk:
Proviso.	<i>Provided</i> , That no drain taxes shall be so spread, unless directed by the board of supervisors, as in the case of other township taxes. All drains shall be entered separately, naming each particular drain.
To be entered separately.	SEC. 5. The supervisor shall, at the time of delivery of his roll to the treasurer, also furnish him with an itemized statement of the several amounts assessed upon the township at large for each particular drain, naming the drain. He shall also at the same time
Itemized statement of the amount assessed, supervisor to furnish, etc.	endorse upon every drain special assessment roll on file in the township clerk's office the amount of tax for benefits thereof spread by him on the tax roll of his township for that year, on each description.
Tax for benefits to be enrolled on drain special assessment roll.	SEC. 6. All drain taxes assessed under the provisions of this act shall be collected in the same manner as State and other general taxes are collected, and collecting officers are hereby vested with the same power and authority in the collection of such taxes as are or may be conferred by law for collecting general taxes. All taxes
Drain taxes; how collected and authority of officers.	levied under the provisions of this act, or of act number two hundred and sixty-nine of the session laws of eighteen hundred and eighty-one, with all lawful costs, interest [interests] and charges, shall be and remain a perpetual lien upon the lands upon which they are assessed, and <u>a personal claim against the owner or owners of such lands until they are paid.</u>
Taxes constitute a lien.	SEC. 7. If the taxes levied for the construction, cleaning out, widening, deepening, or extending of any drain are not collected by the township treasurer, they shall by him be returned, together with the lands upon which they are levied, to the county treasurer in the same return, at the same time and in the same manner, in every
Returned drain taxes.	respect (naming in each case the particular drain), as lands are returned for State, county, and township taxes, and such taxes shall follow such lands, the same as all such other taxes, and all the general
Naming the particular drain.	provisions of law now existing or that may be hereafter enacted for enforcing the payment of township, county, and State taxes, shall apply to such drain taxes, and to the lands returned delinquent therefor, in the same manner and with like effect.
General provisions of law, etc. to apply.	SEC. 8. All orders for the payment of lands for right away [of way], for services rendered and work performed, shall be drawn by the commissioner upon the drain fund of each particular drain. All orders
Orders upon the drain fund.	for the payment of lands for right away [of way], and for all other services rendered and expenses incurred (except contracts for construction), shall be paid out of the first year's taxes, and the balance of such first year's taxes (if any) shall be applied <i>pro rata</i> among the
For right of way.	several contractors in payment of the contracts for the construction of such drain. For the balance due upon such contracts the commissioner shall draw orders payable out of the second year's assess-
First year's taxes.	
Second year's assessment.	

ment. All orders drawn by township drain commissioners shall be countersigned by the township clerk, and all orders shall be drawn payable on the first day of February of the year in which the drain taxes for the payment thereof are required to be paid: *Provided*, Orders to be countersigned by whom and payable when. Proviso.

That no commissioner shall draw orders payable in any one year for a larger amount than each year's assessment, but shall draw as near as may be to the exact amount assessed. All accounts of drain commissioners for personal services shall be audited and allowed by the township board or the board of supervisors, as the case may be. Drain commissioner's account to be audited by whom.

SEC. 9. In case of drains established by the county drain commissioner, the taxes, when collected, shall be returned to the county treasurer, to be disbursed by him. In case of drains established by the township drain commissioner the taxes, when collected, shall be disbursed by the township treasurer. The drain orders issued for each particular drain shall be received for drain taxes for benefits levied for the construction of such drain, by the township treasurer or county treasurer, as the case may be. In what case tax to be disbursed by county treasurer. By township treasurer. Drain orders to be received for taxes.

SEC. 10. After any taxes have been assessed for the construction, location, or establishment of any drain, no injunction shall issue to restrain the spreading of the same upon the tax roll nor to restrain the collection thereof, nor shall the same be in any manner stayed, unless the amount of such assessment shall first be paid into the township treasury to be applied upon such tax, in case the court in which the suit upon which such injunction is tried shall so order. No injunction to issue.

SEC. 11. The collection of no tax levied or ordered to be levied for the payment of the location or construction of any drain laid out under this act, shall be perpetually enjoined or declared absolutely void in consequence of any error or informality of any officer in the location and establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings by which any such drain shall have been located and established, nor on account of any irregularity or informality in the condemnation of right of way, nor for want of any record thereof; but the court in which any action may be brought to recover any tax or assessment paid, or to declare void the proceedings to locate and establish any drain, or to enjoin any tax or assessment levied or ordered to be levied for the payment of the labor and expense thereof, shall, if there be manifest error in the proceedings, allow the plaintiff in action to show that he has been injured thereby. The court may, on application of either party, appoint such person or persons to examine the premises, or to survey the same, or both, as may be deemed necessary. Collection of tax not to be enjoined or declared void. Plaintiff may show that he has been injured. Court may appoint persons to examine premises, etc.

SEC. 12. The court in which such proceedings are begun shall allow proof that the drain was necessary, and conducive to the public health, convenience, or welfare, and that all the steps required by law have been substantially complied with, notwithstanding the record required to be kept by the commissioner. In case no substantial error is found the court may correct any gross injustice in the award of damages, or assessment of benefits, as may appear, after hearing the proofs and allegations of both sides, and shall make such order in the premises as shall be just and equitable, and Shall allow proof of the necessity of the drain, etc. May correct gross injustice. May make such order as shall be just, etc.

Costs of proceedings.	may order that such tax or assessment remain on the tax roll for collection, or order the same to be levied, or relieved, or may perpetually enjoin the same or any part thereof, or if the same has been [paid] under protest, may order the whole or such part thereof as is just and equitable to be refunded. The costs of such proceedings, if error or injustice be shown, shall be apportioned among the parties, or if no manifest error or injustice be shown, such costs shall be collected of the party bringing the action.
In case court declares proceedings illegal, etc.	SEC. 13. Whenever any drain has been located, established, and the work of construction completed, or partially completed, and any court has declared such proceeding illegal or void for any cause other than that such drain is unnecessary, and not conducive to the public health, convenience, or welfare, the commissioner shall without unnecessary delay, proceed to relay and complete such drain under the provisions of this act, and reassess upon the lands benefited by such drain the original costs thereof, together with the expenses of relaying and completing, and shall continue so to do until such drain has been legally established and constructed: <i>Provided</i> , That any person who has paid the tax for benefits assessed against him for such drain shall be allowed the amount so paid, and the township treasurer or other officer authorized to receive payment for taxes assessed in any township, or city, shall accept the receipt heretofore issued for the payment of such drain taxes as cash, the same to apply on such renewed assessments.
Commissioner to relay and complete drain, and re-assess tax upon lands benefited.	The receipt so received by the township treasurer or other officer shall be credited to him and allowed as money. The provisions of this section shall also apply to drains laid out and wholly or partly constructed under the provisions of the drain law in force prior to the passage of this act, designated as act number two hundred and sixty-nine of the session laws of eighteen hundred and eighty-one.
Proviso.	SEC. 14. Any drain taxes that may have been assessed and returned upon any land under and by virtue of the provisions of act number two hundred and sixty-nine of the session laws of eighteen hundred and eighty-one, and remaining unpaid, may be sued for by the drain commissioner of the township in which such delinquent lands are situated, in an action of debt before any court of competent jurisdiction and collected from the owner of such lands; or such taxes if properly returned to the county treasurer, may be ordered charged back by the board of supervisors and reassessed upon such lands in the same manner that unpaid or rejected taxes may be charged back by the Auditor General and reassessed under the general provisions of law.
Receipt to apply on re-assessment.	SEC. 15. In any suit brought for the collection of any unpaid drain taxes by virtue of the last preceding section, the commissioner bringing such suit may declare in an action of debt against the defendant, proof of the amount of the tax, and that it is unpaid, either oral or by the production of the tax roll, shall be <i>prima facie</i> evidence of the plaintiff's right to recover; but the defendant may plead the general issue, and give evidence in reduction of damages, and the plaintiff may offer evidence in rebuttal, and if it shall appear from such evidence that the actual benefits to the land by
Township treasurer to receive credit for.	
The provisions hereof apply to drains heretofore completed, etc.	
Drain tax commissioner may sue for.	
May be charged back and reassessed.	
May declare in an action of debt.	
Proof.	
General issue.	
Evidence in rebuttal.	



reason of the construction of the drain were less than the amount of the tax, judgment shall be only for the amount of the benefits as proven, with interest and costs: *Provided*, That no such proceedings shall be instituted by the commissioner at the expense of the township unless he shall be authorized to do so by the township board.

Judgment for benefits only.

Commissioner not to institute proceedings unless authorized by township board.

## CHAPTER VII.

### DRAINS TRAVERSING MORE THAN ONE COUNTY.

SECTION 1. Whenever it may be desired to construct a drain traversing more than one county, or affecting lands lying in more than one county, an application therefor shall be made to the county drain commissioner of either county traversed by the proposed drain. Such application shall be subject to the same conditions and the applicants to the same obligations and liabilities as in other drains under this act.

Application shall be made to the commissioner of either county.

Subject to the same conditions, etc., as other drains.

SEC. 2. If upon examination the commissioner shall deem the same to be necessary and for the good of the public health, convenience, or welfare, he shall, as soon as practicable thereafter, fix a time and place of meeting and notify the county drain commissioner or commissioners of such other county or counties to that effect, and furnish him or each of them with a certified copy of such application. Such commissioner or commissioners shall at the time and place fixed as above, meet with the drain commissioner having the original application, and they shall thereupon and thereafter jointly take all steps, and perform all acts, and sign all papers, as drain commissioners are required to do singly in the case of other drains, including the application to the probate court.

To notify the other commissioners of place of meeting, etc.

To act jointly.

SEC. 3. In case all the persons whose lands are traversed by such drain, as proposed in this chapter, shall not within twenty days after the issue of the order of determination as provided in section five of chapter three, have voluntarily released the right of way therefor and all damages on account thereof, the said commissioners shall apply to the judge of probate of each county in which any such unreleased lands may be situated for the appointment of three special commissioners. When such application shall be made and when all papers shall have been found to be in conformity with the provisions of this act, the court to whom such application has been made shall appoint such special commissioners and shall deliver to each drain commissioner a certified copy of the order of the appointment of such special commissioners. Such special commissioners shall be resident freeholders of the county in which they are appointed. All proceedings had in the appointment of special commissioners, under the provisions of this chapter, shall be similar to those provided in chapter three for the appointment of other special commissioners.

Application and appointment of three special commissioners.

Certified copy of order of appointment.

Must be resident freeholders.

Proceedings had in the appointment of.

SEC. 4. When such special commissioners shall have been notified of their appointment in the same manner as provided in chapter three, they shall at the time and place fixed by the probate court, meet with the drain commissioner of their county and view the whole line of such drain, or such portion thereof as shall be deemed

Special commissioners to meet with the drain commissioner, etc.



Per cent of construction to be borne by each county to be determined before letting contract. sufficient, and shall under the same oath and conditions perform their services in the same manner and with like effect as hereinbefore provided in this act for other special commissioners. Before any contract for the construction of any part of such drain shall be let, the county drain commissioners shall agree and determine upon the just per cent of the whole cost of construction which each county shall bear, which determination shall be in writing and signed by them, and a copy thereof made for each county drain commissioner affected by said drain.

Each commissioner to assess within his jurisdiction.

Amount to be assessed to township.

Apportioned according to benefits.

Assessments to be furnished to township clerks, etc.

How computed, spread and returned, etc.

Right of appeal.

Taxes to be paid by the township treasurer to county treasurer, etc.

Record of drain to be entered in the drain record book.

Papers to be filed with the county clerk, etc.

Drain to be under whose care.

Proviso.

Cleaning out, etc.

Drain partly out of State, application to be made to whom.

Proceedings to be had.

Proviso.

SEC. 5. Each commissioner shall thereupon assess within his own jurisdiction such amount as may have been determined upon, and shall assess against the townships such per cent thereof as may be justly charged against them severally by reason of benefits to the public health, convenience, or welfare, or as a means of improving any highway, and the balance he shall apportion against the lands in proportion as they will be benefited thereby. Each commissioner shall furnish such several assessments to the several clerks of the townships within his own county, in which the lands affected thereby may be situated, and such assessments shall be computed, divided, spread, collected and returned in the same manner, in every respect, as provided in the case of other drains constructed under this act. Such assessments shall be subject to the same right of appeal and under the same conditions as hereinbefore provided. The taxes for such drains, when collected by the township treasurer, shall be paid over to the county treasurer of their respective counties to be disbursed by him on the joint order of the commissioners.

SEC. 6. A full record of such drain shall be made and entered by the several commissioners in the drain record books of their respective counties, and all the papers relative to the construction of such drains not otherwise provided for in this act, shall be filed in the clerk's office of the county in which the application was originally made. The parts of each of such drains situated and lying in any one county shall thereafter be under the care and supervision of the county drain commissioner of such county: *Provided, however,* That if at any time application shall be made for the cleaning out, deepening, widening, or extending of any part of such drain, such application shall be acted upon jointly by such commissioners, subject to the same conditions as hereinbefore provided for the original construction of such drains, and for the cleaning out, deepening, widening, or extending of other drains.

SEC. 7. Whenever any proposed drain lies wholly or partly in an adjoining State, or the lands to be drained thereby lie partly in an adjoining State, application for the construction of such drain may be made to any county drain commissioner representing any county in this State in which any portion of such proposed drain or lands to be affected thereby lie, and the same proceedings shall be had touching the portion of such drain or the lands to be drained or affected thereby, lying within this State, as are provided in this act in the case of drains and lands lying wholly within this State: *Provided,* That before any expense shall be incurred in relation to any such proposed drain, a voluntary release of the right of way to con-

struct such portion of such drain as may lie without this State, and an agreement to keep the same or permit the same to be kept clear from obstruction, shall first be obtained from the parties owning lands outside of this State through which such drain or portion thereof is to pass, and such release and agreement shall be filed with the commissioner, and shall form a part of the record of his proceedings in the premises.

Voluntary release of right of way.

## CHAPTER VIII.

### ESTABLISHED DRAINS.

SECTION 1. Whenever a drain needs cleaning out, deepening, widening, or extending, any owner of any tract of land which, at the time of its construction, was assessed therefor, may make application in writing to the commissioner by whom it was constructed, or to his successor in office, setting forth its necessity, and the commissioner shall, as soon as practicable thereafter, go upon the line thereof and carefully examine such drain, and if in his judgment the request of the applicant should be granted, he shall fix the per cent of the cost of cleaning out that the owner of each parcel or lot of land shall be assessed therefor: *Provided*, That such assessment shall be made according to benefits, and shall be subject to appeal, the same as in the first instance, except that in all cases under this section where drains are only cleaned out, the cost thereof shall be assessed upon the same per cent fixed for the construction of such drain.

Who may make application for cleaning or widening drain, etc.

Duty of commissioner.

Per cent of costs to each parcel.

Proviso.

SEC. 2. Such assessment and the collection, return, and enforcement thereof shall be made in the same manner and under the same provisions in this act provided for drain taxes assessed, collected, returned, and enforced in the first instance. In case the necessity for such cleaning out arises from the act or neglect of any land owner, said act or neglect shall be taken into consideration by the commissioner in such assessment. The work of cleaning out such drain shall be advertised and let, and the contracts therefor awarded and accepted and paid for as provided for in the first instance, except that the tax to pay the same shall all be levied in one year: *Provided*, That if there is a surplus in any drain fund the commissioner may, in his discretion, without application or advertisement, pay out of the same a reasonable compensation for cleaning out any obstructions that may accumulate in the particular drain for which the fund was raised.

Assessment, collection, and return, etc., how made.

Tax to be levied in one year.

Proviso.

Surplus in drain fund.

SEC. 3. All drains regularly established, opened or constructed under any provisions of law heretofore existing, shall be deemed to be legal drains, under this act, and any drain that has been established for ten years shall be conclusively deemed to have been regularly established, and it shall be the duty of the county or township drain commissioner, where no records of such drains have been preserved, to see that the records of such drains are made in the most practicable manner in the drain records of their respective townships and counties.

Drains heretofore established.

Established ten years deemed regular.

Duty of commissioner to see that drain records are made.

Constructing,  
widening, clean-  
ing out and re-  
pairing drains,  
creeks, levees,  
etc.

May re-locate.

Proviso.

May vacate.

Proviso.

Who to pay ex-  
penses.

May be com-  
pleted, etc.

SEC. 4. All the powers conferred by this act for establishing and constructing drains and for the enforcement of assessments therefor, shall also extend to and include the deepening, widening, and extending of any drains which heretofore have been laid, or may hereafter be constructed; also to straightening, cleaning out, and deepening the channels of creeks and streams, and the constructing, maintaining, remodeling, and repairing of levees, dykes, and barriers, for the purpose of drainage. The commissioner may re-locate or extend the line of any drain if the same be necessary, in order to provide a suitable outlet, in which case he shall cause a survey thereof to be made: *Provided*, That no proceedings affecting the rights of persons or property shall be had under this section, except upon a like application, notice, hearing, and award prescribed in this act for the construction of drains in the first instance.

SEC. 5. The commissioner may, on proper application as required in this act, and upon the same notice being given as is required in case of the location of a drain, declare any drain vacated and abandoned, if in his judgment the same has ceased to be of public utility: *Provided*, That private rights of persons acquired by reason of the location and establishment of such drain shall not be interfered with or in any way be impaired thereby. The party so applying shall pay all expenses of such vacating and abandonment.

SEC. 6. Drains for which an application has been made, or which have been constructed or partly constructed under any provision of law heretofore enacted, may be laid, constructed, completed, relaid, cleaned out, widened, deepened, or extended, as the case may be, under the provisions of this act.

## CHAPTER IX.

### MISCELLANEOUS.

Books, blanks  
and stationery  
to be furnished  
by whom.

Blank applica-  
tions to be fur-  
nished.

Compensation  
of drain com-  
missioner.

By whom fixed.

Of special com-  
missioners.

Advertising  
rates.  
Fees of judge  
of probate.

SECTION 1. County and township clerks shall be authorized and it shall be their duty to procure, at the expense of their respective counties and townships, the necessary books, blanks and stationery for the use of drain commissioners, and each commissioner shall furnish upon request blank applications to any person who may desire to file an application for the locating of any drain.

SEC. 2. Drain commissioners shall receive for their services a sum not to exceed three dollars per day for each day actually and necessarily spent by them in the discharge of the duties of their offices, to be fixed by the board of supervisors in the case of a county drain commissioner, and by the township board in the case of a township drain commissioner. Special commissioners shall receive the same compensation as the county drain commissioner, and newspaper publishers shall receive legal rates for advertising. The judge of probate shall receive ten cents per folio for making exemplified copies of any proceedings had in the probate court, two dollars for the appointment of special commissioners, including the certified copy of the order of their appointment, and three dollars for all services performed in case a jury is had.

SEC. 3. It shall be the duty of the Attorney General to draft, or cause the same to be done under his supervision, a complete set of all the blank forms that may be used or required under the provisions of this act, and it shall be the duty of the Secretary of State to publish a sufficient number of copies of this act in pamphlet form, with an annotation of supreme court decisions, and an index thereto, and an appendix containing a copy of all such blank forms.

Attorney General to draft blanks, etc.

Secretary of State to publish act, etc.

SEC. 4. If any person shall willfully or maliciously remove any section or grade stake set along the line of any drain, or obstruct or injure any drain, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, and the costs of prosecution, or in default of the payment thereof, by imprisonment in the county jail not exceeding ninety days.

Removing grade stake, obstructing drain, a misdemeanor.

Penalty.

SEC. 5. In all proceedings under this act when the State shall be an interested party and liable to be assessed for benefits, it shall be the duty of the prosecuting attorney of the county in which such lands are situated to represent the interests of the State and to appear in its behalf, and he shall make a report of his actions in each case to the Commissioner of the State Land Office.

Prosecuting Attorney to appear for the State. To report to whom.

SEC. 6. Act number two hundred and sixty-nine, session laws of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws of this State providing for the drainage of swamps, marshes, and other low lands, and to repeal the acts of March twenty-second, eighteen hundred and sixty-nine, and April thirteenth, eighteen hundred and seventy-one, known as the county drain law and the township drain law," approved June eleventh, eighteen hundred and eighty-one, and act number one hundred and eighty, session laws of eighteen hundred and eighty-three, entitled, "An act to provide for the completion of county drains in certain cases," as well as all other acts amendatory thereof, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed, saving all acts done and all rights acquired at the time this act takes effect, and any proceeding had or begun, may be carried forward and completed thereunder, the same as they might have done had this act not been passed.

Acts repealed.

Acquired rights not repealed. Proceedings begun may be completed.

Approved June 20, 1885.

### [No. 228.]

AN ACT to authorize the Board of Control of State Swamp Lands to cause the removal of jams or rafts of flood-wood, and to clear out and deepen, where necessary, the channel of Swan Creek, in the county of Midland, and appropriate two sections of land therefor.

SECTION 1. *The People of the State of Michigan enact*, That the Board of Control of State Swamp Land be and they are hereby authorized, if in their judgment the public interests require it, to remove or cause to be removed, in such manner as to them may seem best, but under their direction and control, the jams or rafts

Authority granted to clear, deepen, etc.

Examination,  
and estimate of  
cost of to be  
made.

of flood-wood, and to clear out and deepen, where necessary, the channel of Swan Creek, in the county of Midland, and to appropriate and use for that purpose not exceeding two sections of State swamp and salt spring lands. The said board of control shall cause an examination by one of their number or otherwise of the work to be done, and to report to said board thereon, the necessity of doing such work, and the estimated cost thereof before the first day of August, eighteen hundred and eighty-five.

Advertisement  
for doing work,  
etc.

SEC. 2. It shall be the duty of said board of control, on or before the first day of August, in the year of our Lord eighteen hundred and eighty-five, if upon such examination they shall deem the same necessary, to advertise for sealed proposals for the doing of said work, stating in the notice that the work is to be paid for in State swamp and salt spring lands; which notice shall be published once each week for six consecutive weeks in two newspapers printed and published in said county of Midland.

Appropriation  
for.

SEC. 3. To secure the removal of said obstructions in the said creek, as mentioned in section one of this act, the Board of Control of State Swamp Land is hereby authorized to appropriate two sections of State swamp and salt spring land of six hundred and forty acres each, to be selected from the State swamp and salt spring lands of the county of Midland of this State; and there shall be issued to the contractor entitled thereto the proper certificates for so much of said two sections of State swamp and salt spring land as he may be entitled to upon the performance of his contract according to the terms thereof.

Ordered to take immediate effect.

Approved June 20, 1885.

[No. 229.]

AN ACT to amend section one of an act entitled "An act to authorize the judges of probate of certain counties to appoint a register, and prescribing his duties and compensation," approved March thirty, eighteen hundred sixty-nine, as amended, being compiler's section five hundred thirty-five of Howell's Annotated Statutes of Michigan.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to authorize the judges of probate of certain counties to appoint a register, and prescribing his duties and compensation," approved March thirty, eighteen hundred sixty-nine, as amended, being compiler's section five hundred thirty-five of Howell's Annotated Statutes of Michigan, be and the same hereby is amended so as to read as follows:

Appointment of  
probate register.

§535. 5246. SEC. 1. That the board of supervisors of any county in this State may, when it shall have determined that such an officer is required, by a two-thirds vote of all the members elect, authorize the judge of probate of such county, to appoint a probate register, who shall hold his office during the term for which the judge of probate appointing him shall have been elected, unless sooner

Term.



removed by said judge of probate, and such probate register shall Salary. have such annual salary, to be paid monthly, as may be fixed by the board of supervisors, which shall be in full compensation for all services required to be performed by him as such probate register: *Provided*, That the judge of probate of the county of Kent, may, Proviso. irrespective of the board of supervisors, appoint a probate register; *And provided further*, That such probate register for the county of Kent shall receive an annual salary, commencing on the first day of July, in the year of our Lord eighteen hundred eighty-five, of one thousand dollars, to be paid monthly, out of any money in the county treasury of his county not otherwise appropriated. All said probate registers shall have power to receive and file all papers, fix the time of hearing, administer oaths, and do all acts required of the judge of probate except judicial acts.

Approved June 20, 1885.

[No. 230.]

AN ACT to provide for the prevention of the introduction and spread of cholera and other dangerous communicable diseases.

SECTION 1. *The People of the State of Michigan enact*, That whenever in the opinion of the Governor it may be deemed necessary, he may draw from the general fund, on the warrant of the Auditor General, not to exceed the sum of ten thousand dollars (\$10,000), to be used by the State Board of Health, to prevent the introduction or spread, in this State, of cholera or other communicable diseases dangerous to public health. If Governor deem necessary may draw \$10,000, etc.

SEC. 2. At such ports or places, or on such lines of travel as there may be danger of the introduction into this State of cholera or other dangerous communicable diseases, the State Board of Health shall have power to establish such systems of inspection as may be practicable and needful to ascertain the presence of the infection of cholera or other dangerous communicable disease in the persons of immigrants or travelers, in wearing apparel, baggage, or freight; to question on oath, without cost to the State or person so questioned, which oath a duly appointed inspector of the State Board of Health is hereby authorized to administer to the immigrant, traveler, or other person, as to the place from which the suspected person, baggage, or freight came, the time elapsed since his or its exposure to cholera or other dangerous disease, and on other subjects on which information is needed; and the State Board of Health shall have power to order such disinfection of baggage or other articles which are infected or liable to be infected, and to cause such isolation of persons or things infected or liable to be infected, as may be necessary for the public safety, by placing it or them in the care of the local board of health, or by other practical methods, to the end that the object of this act, expressed in its title, shall be fulfilled. To be used by Board of Health to prevent cholera, etc.

SEC. 3. It shall be the duty of the State Board of Health, to frame and publish rules for the conduct of inspection under this System of inspection to be established.

To establish rules.

Penalty for violation of rules.

act. Whoever shall willfully violate the rules of the State Board of Health made in pursuance of this act, shall on conviction be deemed guilty and punished as in cases of misdemeanor.

Approved June 20, 1885.

[No. 231.]

AN ACT making an appropriation of State swamp lands to aid the county of Ingham to drain and reclaim certain swamp and overflowed lands by opening and deepening the outlet of Hewes and Ewers lakes, and to authorize a tax to complete the same, and to repeal act number eighty-five of the session laws of eighteen hundred and eighty-one, entitled, "An act to authorize the Board of Control of State Swamp Lands to make an appropriation of swamp land to drain and reclaim certain swamp and overflowed lands in Ingham and Bunkerhill townships, Ingham county, by opening and deepening the natural outlet of Hewes and Ewers lakes," approved April twelve, eighteen hundred and eighty-one.

Purpose of.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of aiding in improving and draining certain swamp and overflowed lands by opening and deepening the outlet of Hewes and Ewers lakes, in the county of Ingham, to the end that the large territory now periodically submerged may be reclaimed, and the sanitary condition of the adjacent lands improved, there shall be and hereby is appropriated to the county of Ingham, sixteen hundred acres of swamp lands, three hundred and sixty acres of which shall be taken from the county of Ingham if so much there shall be in said county, and the balance to be selected from any swamp lands in the Lower Peninsula, not otherwise appropriated.

Appropriation made.

Selected lands to be withheld from sale.

SEC. 2. Said lands, or any part or parts thereof, when selected, shall be withheld from sale from and after the time said county, its assigns, or its contractor under this act, shall notify the Commissioner of the State Land Office of the selection of the same, or any such part or parts, and shall be withheld for the entire time fixed by this act for the completion of the work. Upon the filing with the said Commissioner of the State Land Office the certificate of the commissioner who shall be appointed, qualified, and acting at such time, under this act, that one-half of said work is completed, one-half of said lands, eight hundred acres, hereby appropriated, including what there may be at that time, in the county of Ingham, shall be patented to the contractor, under this act, and the remainder, eight hundred acres, shall be in like manner patented, upon a like certificate of the entire completion of the work: *Provided*, That when all the swamp lands in the county of Ingham, not exceeding three hundred and sixty acres are taken, the balance of the sixteen hundred acres shall be selected in the Lower Peninsula of Michigan.

When patents may issue.

Appointment of commissioner.

SEC. 3. An application in writing, signed by three or more freeholders of each of the counties of Ingham and Jackson, and residing in any of the townships hereinafter named, may be presented to the probate court of the county of Ingham, for the appointment of

a commissioner under this act to superintend the construction of the work herein provided for, and perform such other duties as may devolve upon him by virtue of this act. It shall be sufficient in said petition to refer to this act by number and title for a description of the work, for the construction of which said commissioner is petitioned to be appointed. The court to whom such application is made shall at once issue an order directing all persons interested in said petition, and the work provided for by this act to appear before such court at a time and place therein to be specified, not less than two nor more than four weeks from the time of making such order, to show cause why such commissioner should not be appointed, and be heard with reference to the appointment of the same. A copy of such order shall be posted up in three public places in each of the townships of Ingham and Bunkerhill, in said county of Ingham, and Henrietta, in the county of Jackson, in this State, at least ten days before the hearing of said petition. Said court shall at the time named in said order or at such time as the hearing may be adjourned to, not exceeding thirty days in all from the day first appointed, proceed to hear the proofs and allegations of the parties, and if it shall appear that said work is necessary, and for the good of the public health, or highways, and a means of reclaiming swamp and overflowed lands in said townships, he shall appoint some suitable person who will take an interest in said work, such commissioner and deliver to the person so appointed a certificate of his appointment, and send a certified copy of the order appointing such person as such commissioner to the Commissioner of the State Land Office in this State. It is not the intention to confine the said improvement to the said county of Ingham, but like authority is also conveyed to extend the same into the county of Jackson a sufficient distance to secure the best results, in the judgment of the commissioner, jurisdiction being hereby given to the probate court herein named, and said commissioner and board of review, over the whole improvement.

Improvement  
not confined to  
Ingham county.

SEC. 4. The person so appointed shall, within ten days after such appointment, take, subscribe, and file with the county clerk of said county of Ingham the oath of office required by the constitution of this State; and shall, within the same time, make, execute, and file with such clerk a bond to the county of Ingham, with sufficient surety or sureties, to be approved by said county clerk, for the sum of two thousand dollars, conditioned for the faithful performance of the trusts and duties involved upon him by this act.

Oath and bond  
of commis-  
sioner.

SEC. 5. In case of the failure of any person who may be appointed as the commissioner under this act, to qualify or to act as such commissioner for any cause, it shall be the duty of the probate court aforesaid, upon petition to said court duly verified, setting forth the facts upon which said petition is based, to proceed in the same manner provided in section three of this act, for the appointment of a commissioner, and appoint some other person as such commissioner.

Failure to  
qualify.

SEC. 6. Said commissioner shall as soon as practicable proceed to examine personally the line of said proposed work, and if in his

Personal examination of line proposed by commissioner.

Proviso.

Title to lands or right of way to be procured, powers of commissioner, as to.

Security for damages.

opinion it is necessary and for the good of the public health that the channel of the outlet of Hewes and Ewers lakes in the townships of Ingham and Bunkerhill, in Ingham county, and Henrietta, Jackson county, should be opened, deepened, widened, or straightened, and otherwise improved, he shall, as a further means of determining the necessity and practicability thereof, cause a survey and measurement of the line of said work to be made by a competent surveyor, and shall establish the commencement and terminus, and determine the route, width, length, and depth thereof, and for that purpose he may enter upon any lands traversed by the proposed route of said work: *Provided*, That the said commissioner is hereby authorized and empowered to adopt the survey, map, and profile, made under the direction of D. L. Crossman, the special commissioner, appointed by the Board of Control of State swamp lands, for the purpose of carrying out the provisions of act number eighty-five (85) of the session laws of eighteen hundred and eighty-one, and to make such alterations therein, or additions thereto, as in his discretion he may deem expedient. And said commissioner is hereby given the custody and possession of said map and profile which is now on file with the Board of Control of State swamp lands.

SEC. 7. Upon the completion of the survey, plans, and specifications of said improvements, the said commissioner shall take steps to procure title to the county of the lands, or the right of way necessary therefor, and for this purpose is hereby vested with all the powers conferred upon county or special drain commissioners, and may proceed without petition or other preliminary proceedings in the manner provided by law for acquiring title for county drains, or he may proceed under any other law of this State providing for condemning right of way, and for the purpose of carrying out the full design and intent of this act the said commissioner is hereby vested with all the powers conferred upon special drain commissioners appointed by the probate court, in cases where drains are constructed affecting lands lying in more than one county, and may proceed in the same manner and be governed by the same law in the prosecution of said improvement from its commencement to its completion, except as in this act otherwise provided, as he would or might proceed or be governed were he appointed as said special commissioner by the probate court in and for the county of Ingham aforesaid, in pursuance to act number two hundred and sixty-nine of the session laws of eighteen hundred and eighty-one, or of any amendments or revision of said act, and the probate court in and for the county of Ingham shall have jurisdiction of all proceedings in the prosecution of said improvement the same as they would or might have had had said commissioner been appointed by said court in pursuance of said act number two hundred sixty-nine, statute laws of eighteen hundred eighty-one, or any amendment or revision of said act, and the same as though said improvement was wholly within the county of Ingham.

SEC. 8. An order drawn on the treasurer of the proper township for the amount of any damages that may be awarded, if any, in

obtaining the right of way, and made payable to the owner of the description on which such damages were awarded, describing such lands by their legal subdivision in such order, and tendered to the person entitled thereto, or deposited with the township clerk of said township, to be delivered to such person when called for, shall be deemed a sufficient security for the amount of such damages.

SEC. 9. Said commissioner hereby appointed shall proceed without petition or other preliminary proceedings to adopt the work already done, to have the survey for said work made or completed, commencing at Hewes lake with the survey already made, and prepare the necessary plans and specifications and detailed estimates of the expenses for straightening, opening, deepening, and widening the said outlet, in the townships of Ingham and Bunkerhill, in Ingham county, and in the township of Henrietta, in Jackson county, or in so many of said towns as he may find necessary or expedient, said outlet extending naturally to Bateese lake, in the township of Henrietta, in the county of Jackson, only a short distance from the Ingham county line. It is the intent of this act to commence said improvement at Hewes lake and make connection with the ditch now nearly completed from Ewers lake, constructed under act number eighty-five of the session laws of eighteen hundred eighty-one, and extend the same at the option of said commissioner into the township of Henrietta to said Bateese lake, or stopping within the township of Bunkerhill, as in his judgment is best.

Adoption of  
work already  
done and for  
continuation.

SEC. 10. The cost of constructing said improvement, together with the expenses incident thereto in excess of the appropriation hereby made may be assessed upon, and when so assessed shall be paid by the lands, easements, and property benefited thereby, and by any township or village by reason of the benefit to the public health and as a means of improving any public highway under the general laws of this State, except as herein otherwise provided. The commissioner appointed under this act shall designate in an assessment roll or rolls, the lands, easements, and property benefited thereby and shall determine by an assessed valuation of the benefits to be derived thereby, what per cent of such excess shall be assessed upon each parcel or description of lands, easements, and property, township or village. Upon the completion of said assessment of benefits, said commissioner shall submit the same, with a map of all of the lands by him deemed to be benefited, to the board of review hereinafter named, who may alter or amend the same as they may deem equitable, and their decision shall be final. Said assessment of benefits shall be published in some newspaper of general circulation published in said Ingham county, also in one paper in Jackson [county], and a copy of the same shall be delivered to each member of the board of review, at least two weeks before being acted upon by said board of review; and any person, persons, or corporation feeling aggrieved by said ratio or per cent of assessments shall have the right to be heard in person or by attorney before said board of review. Said assessment of benefits as altered, amended, or affirmed by said board of review shall be divided into three

Expense in ex-  
cess of appro-  
priation, how  
provided for.



Damaging improvement.	division stake set along the line of said work, or if any person shall obstruct or injure said improvement, either before or after completion, by falling timber or brush into the same, or otherwise, he shall, for each and every such offense be subject to a penalty of ten dollars, together with such sum as will be required to repair such damage, and costs of suit, which penalty may be recovered in an action of debt, at the suit of the commissioner under this act, for any such offense committed before the rendering of the final account of said commissioner mentioned in section sixteen of this act, and at the suit of the drain commissioner of the county or township in which such offense was committed, if committed after the rendering of said final account: <i>Provided</i> , If any guilty of said offense shall repair all such damage within ten days after being notified so to do by the proper person, he shall be liable under this section.
Penalty.	
Proviso.	
Time for completion limited.	SEC. 16. This improvement shall be completed within five years from the passage of this act, and upon the completion of the work provided for in this act, the said commissioner appointed under this act or his successor, shall file with the county clerk of Ingham a complete account of his doings hereunder, together with a map, survey, plans, and specifications used, a statement of the entire cost of the improvement in excess of the lands granted, and the contributions hereinbefore referred to, and a certified copy of the same containing said contributions, and the amount of such excess for each township or village, all the releases obtained of right and the statement showing what proceedings were had to obtain right of way, if any, when had, and what amounts, if any, awarded as damages, a statement showing what amounts have come into his hands as such commissioner, from whom received and to whom paid, together with the contractor's receipt in all moneys due him as such contractor; all of which statements shall be made under oath, and be verified by competent officers, and accompanied by statements of the supervisors of each of the townships named, showing the entire sum of money for such improvement raised in their townships respectively, whereupon, if it shall appear to the said county clerk that the said work has been completed, and that the said special commissioner has discharged his duties under this act, and honestly disbursed the moneys which came into his hands, he shall cancel and release the bond mentioned in section four of this act; but if not so, he shall bring suit upon said bond for all deficiencies or failures.
Commissioner accounting.	
When county clerk shall release bond.	
Improvement to be under control of.	SEC. 17. Said improvement shall be under the control of the county drain commissioner of each county in which the same is situated, after the rendering of the final account of the commissioner, as provided for in the last preceding section. Each county drain commissioner shall have charge of that portion of the improvement lying in his respective county: <i>Provided</i> , that if there shall be no county drain commissioner in either of said counties, the said improvement lying in such county having no county drain commissioner shall be under the control of the township drain commissioner of each township in such county in which
Proviso.	

such improvement extends, each such township drain commissioner having charge of that portion of said improvement lying in his respective township.

SEC. 18. Act number eighty-five of the session laws of eighteen hundred and eighty-one, entitled, "An act to authorize the Board of Control of State Swamp Lands to make an appropriation of swamp lands to drain and reclaim certain swamp and overflowed lands in Ingham and Bunkerhill townships, Ingham county, by opening and deepening the natural outlet of Hewes and Ewers lakes," approved April twelve, eighteen hundred and eighty-one, and the same is hereby repealed, and the State hereby divests itself of all control, supervision, or responsibility on account of the improvement, beyond the grant of land made by section one of this act, saving all acts done in relation to the aforesaid survey, map and profile, which survey, map and profile is hereby legalized and made valid for the purposes of this act, as hereinbefore provided.

Act repealed.

State not responsible, etc., as to improvement.

This act is ordered to take immediate effect.

Approved June 20, 1885.

### [No. 232.]

ACT to revise the laws providing for the incorporation of all manufacturing companies, except such as are contemplated by act number forty-two, of the session laws of eighteen hundred and eighty-seven, which provides for the incorporation of persons or corporations engaged in the manufacture of salt, and mercantile companies, or any union of the two, and to fix the duties and liabilities of such corporations.

#### HOW FORMED.

SECTION 1. *The People of the State of Michigan enact, That* a number of persons not less than three, desiring to become incorporated for the purpose of carrying on any manufacturing or mercantile business, or any union of the two, under any name assumed by them, may, by complying with all the provisions of this act, with their successors and assigns, become a body politic and corporate, under any name assumed by them in their articles of association: *Provided*, No two companies shall assume the same name, or a name so similar as to be liable to mislead.

Who may incorporate and for what.

Proviso as to name.

SEC. 2. The articles of association of every such corporation shall be made on suitable and uniform blanks, which it is hereby made the duty of the Secretary of State to furnish on application, free of charge, which articles shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state:

Articles of association, blanks for, signed and acknowledged.

*First*, The name assumed by which the corporation shall be known in law;

To state name.

Damaging improvement.	division stake set along the line of said work, or if any person shall obstruct or injure said improvement, either before or after completion, by falling timber or brush into the same, or otherwise, he shall, for each and every such offense be subject to a penalty of ten dollars, together with such sum as will be required to repair such damage, and costs of suit, which penalty may be recovered in an action of debt, at the suit of the commissioner under this act, for any such offense committed before the rendering of the final account of said commissioner mentioned in section sixteen of this act, and at the suit of the drain commissioner of the county or township in which such offense was committed, if committed, after the rendering of said final account: <i>Provided</i> , If any person guilty of said offense shall repair all such damage within five days after being notified so to do by the proper person, he shall not be liable under this section.
Penalty.	
Proviso.	
Time for completion limited.	SEC. 16. This improvement shall be completed within five years from the passage of this act, and upon the completion of the work provided for in this act, the said commissioner appointed under this act, or his successor, shall file with the county clerk of Ingham county, a complete account of his doings hereunder, together with the survey, plans, and specifications used, a statement of the entire cost of the improvement in excess of the lands granted, and the contributions hereinbefore referred to, and a certified copy of the list containing said contributions, and the amount of such excess paid by each township or village, all the releases obtained of right of way, and the statement showing what proceedings were had to obtain right of way, if any, when had, and what amounts, if any, were awarded as damages, a statement showing what amounts, if any have come into his hands as such commissioner, from whom received, and to whom paid, together with the contractor's receipt in full for all moneys due him as such contractor; all of which statements shall be made under oath, and be verified by competent officers, and accompanied by statements of the supervisors of each of the townships named, showing the entire sum of money for such improvement raised in their townships respectively, whereupon, if it shall appear to the said county clerk that the said work has been entirely completed, and that the said special commissioner has faithfully discharged his duties under this act, and honestly disbursed the moneys which came into his hands, he shall cancel and surrender the bond mentioned in section four of this act; but if not he shall bring suit upon said bond for all deficiencies or failures.
Commissioner accounting.	
When county clerk shall release bond.	
Improvement to be under control of.	SEC. 17. Said improvement shall be under the control of the county drain commissioner of each county in which the same is situated, after the rendering of the final account of the commissioner, as provided for in the last preceding section. Each county drain commissioner shall have charge of that portion of said improvement lying in his respective county: <i>Provided</i> , That if there shall be no county drain commissioner in either of said counties, the said improvement lying in such county having no county drain commissioner shall be under the control of the township drain commissioner of each township in such county in which
Proviso.	

such improvement extends, each such township drain commissioner having charge of that portion of said improvement lying in his respective township.

SEC. 18. Act number eighty-five of the session laws of eighteen hundred and eighty-one, entitled, "An act to authorize the Board of Control of State Swamp Lands to make an appropriation of swamp lands to drain and reclaim certain swamp and overflowed lands in Ingham and Bunkerhill townships, Ingham county, by opening and deepening the natural outlet of Hewes and Ewers lakes," approved April twelve, eighteen hundred and eighty-one, be and the same is hereby repealed, and the State hereby divests itself of all control, supervision, or responsibility on account of the said improvement, beyond the grant of land made by section one of this act, saving all acts done in relation to the aforesaid survey, map and profile, which survey, map and profile is hereby legalized and made valid for the purposes of this act, as hereinbefore provided.

Act repealed.

State not responsible, etc., as to improvement.

This act is ordered to take immediate effect.

Approved June 20, 1885.

### [No. 232.]

AN ACT to revise the laws providing for the incorporation of all manufacturing companies, except such as are contemplated by act number forty-two, of the session laws of eighteen hundred sixty-seven, which provides for the incorporation of persons or corporations engaged in the manufacture of salt, and mercantile companies, or any union of the two, and to fix the duties and liabilities of such corporations.

#### HOW FORMED.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons not less than three, desiring to become incorporated for the purpose of carrying on any manufacturing or mercantile business, or any union of the two, under any name assumed by them, may, by complying with all the provisions of this act, with their successors and assigns, become a body politic and corporate, under any name assumed by them in their articles of association: *Provided*, No two companies shall assume the same name, nor a name so similar as to be liable to mislead.

Who may incorporate and for what.

Proviso as to name.

SEC. 2. The articles of association of every such corporation shall be made on suitable and uniform blanks, which it is hereby made the duty of the Secretary of State to furnish on application, free of charge, which articles shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state:

Articles of association, blanks for, signed and acknowledged.

*First*, The name assumed by which the corporation shall be known in law;

To state name.

Purpose.	<i>Second,</i> Distinctly and definitely the purpose or purposes for which the corporation is formed, and it shall not be lawful for said corporation to divert its operations, or appropriate its funds to any other purpose, except as hereinafter provided;
Where conducted.	<i>Third,</i> The place or places at which its operations are to be conducted;
Capital stock.	<i>Fourth,</i> The amount of the capital stock, which shall not be less than five thousand nor more than five million dollars, except in cases of corporations organized for the manufacture of cheese or other products of milk, in which case the capital stock shall not be less than one thousand dollars. Subject to the limitations herein named, the capital stock and number of shares may be increased or diminished at any annual meeting of the stockholders, or at any meeting duly called for that purpose by a vote of two-thirds of the capital stock of the corporation, and at such meeting the stockholders shall have power to make all necessary provisions for calling in and canceling the old and issuing new certificates of stock, but nothing herein contained shall in any way operate to discharge any company which may diminish its capital stock from any obligation or demand that may be due from said company. When any such corporation shall so increase or diminish its capital stock, the president and a majority of the directors shall make a certificate thereof, which shall be signed by them and recorded, and returned as is provided herein for recording and returning the articles of association, and such increase or diminution shall commence and be operative from and after the date when the certificate is received for record in the office of the Secretary of State;
Shares.	<i>Fifth,</i> The number of shares into which the capital stock is divided, which shall be of the par value of twenty-five dollars each;
Paid in.	<i>Sixth,</i> The amount of capital stock actually paid in at the date of the articles, which shall not be less than ten per cent, and the amount so paid in shall not be reduced below such per cent of its capital;
Office.	<i>Seventh,</i> The place in this State where the office of the company is located;
Duration.	<i>Eighth,</i> The term of years the corporation is to exist, which shall be not to exceed thirty years;
Stockholders, etc.	<i>Ninth,</i> The names of the stockholders, their respective residences, and the number of shares subscribed for by each.
First meeting of stockholders.	SEC. 3. When any number of persons shall have associated according to the provisions of this act, any two of them may call the first meeting of the stockholders, at such time and place as they may appoint, by giving notice thereof by publishing the same in some newspaper published in the county in which its office is located, and if there is no newspaper published in such county, then by publishing the said notice in some newspaper published in an adjoining county, at least two weeks before the time appointed for such meeting. But said notice may be waived by a writing signed by all the subscribers to the capital stock of said corporation, specifying the time and place for said first meeting, which writing shall be entered at full length upon the records of the corporation; and the first meeting of any such corporation, which has been held pursuant to such written waiver of notice, shall be valid.
Waiver of notice.	



SEC. 4. The stock, property, affairs, and business of every manufacturing or mercantile corporation shall be managed by not less than three nor more than nine directors who shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws of said corporation, and who shall be stockholders, and shall hold their offices for one year, and until others shall be chosen in their stead. Directors.

SEC. 5. If an election of directors in any such corporation shall not take place at the annual meeting thereof, in any year, such corporation shall not thereby be dissolved, but an election may be had at any time thereafter to be fixed upon, and notice thereof to be given by the directors: *Provided*, That in case the directors shall refuse or neglect so to do, any three of the stockholders may call a meeting of the stockholders for the election of directors, by giving the notice as prescribed in section three of this act. Failure to elect at annual meeting.  
Proviso.

SEC. 6. The directors of every such corporation shall choose one of their number to be president and one of their number to be vice-president, and shall also choose a secretary and treasurer, which two last mentioned officers shall reside, and have their place of business, and keep the books of said corporation within this State, and shall choose such other officers as the by-laws of the corporation shall prescribe, all of which said officers shall hold their offices until others shall be chosen in their stead: *Provided*, That if the stockholder shall so elect, the same person may hold the office of secretary and treasurer. Officers.  
Secretary and treasurer to be residents, etc.  
Proviso.

SEC. 7. The directors of such corporation shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise, for the current year. Vacancy in directors.

SEC. 8. It shall be lawful for any corporation organized or existing under the provisions of this act to conduct its business in whole or in part at any place or places within the United States. Where corporation may conduct its business.

#### DUTIES OF OFFICERS.

SEC. 9. Before any corporation, organized under this act to operate in this State, shall commence business, the president shall cause the articles of association to be recorded, at the expense of said corporation, in the office of the Secretary of State of this State, and in the office of the county clerk of the county in which such operations are to be carried on, and before any corporation organized hereunder, to operate outside this State, shall commence business, the president shall cause the articles of association to be recorded at the expense of the corporation, in the office of the Secretary of State and in the office of the county clerk of the county in this State where the office of the corporation is located. The Secretary of State and the county clerk, in whose office such articles of association shall be recorded, shall each certify upon every such articles of association recorded by him, the time when it was received, with a reference to the book and page where the same is recorded, and the record, or transcript of the record, certified by the Secretary of State of this State, and under the seal thereof, shall be received in all the courts of this State as *prima facie* evi- Prior to commencing business articles of association must be recorded.  
Duty of secretary of State and county clerk in matter of recording.

Prima facie  
evidence of  
organization.  
As to compa-  
nies organized  
under act 41,  
laws 1853.

Quorum, direc-  
tors.

Stockholders'  
meeting.

Vote.

Subscription to  
capital stock  
called in by  
installment.

Neglect, etc.,  
to pay.

Sale of stock  
for.

Rights of pur-  
chaser of stock  
so sold.

Annual report  
of corporation  
doing business  
in this State to  
state.

Blanks for.

dence of the due formation, existence, and capacity of such corporation in any suit or proceedings brought by or against the same. And in case of companies organized under act number forty-one, laws of eighteen hundred and fifty-three and amendments thereto, and whose original articles of association and amendments are filed in the office of the Secretary of State, copies of such articles of association or amendments, duly authenticated by the Secretary of State under the seal of the State, shall be received in all courts of this State as *prima facie* evidence of the things therein stated.

SEC. 10. A majority of the directors of every manufacturing or mercantile corporation convened according to the by-laws, shall constitute a quorum for the transaction of business; and the stockholders holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of that meeting, except as herein otherwise provided; and at all meetings of such stockholders each share shall be entitled to one vote. Stockholders may appear and vote in person or by proxy duly filed.

SEC. 11. The directors may call in the subscription to the capital stock of such corporation by installments, in such proportion and at such times and places as they shall think proper, by giving notice thereof, as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment for the space of thirty days after the same shall have become due and payable, and after he shall have been notified thereof, said corporation may recover the amount of said installment from such negligent stockholder in any proper action for that purpose, or so much of the stock of such delinquent stockholder as may be necessary to pay such installment so due, may be sold by the directors at public auction at the office of the secretary of the corporation, giving at least thirty days' notice of such sale in some newspaper published in the county where said office is located, if there is a newspaper published in such county; if not, then in some newspaper published in some adjoining county; and in case of a sale of said stock the proceeds thereof shall be first applied in payment of the installment called for and the expenses of the sale, and the residue, if any, shall be refunded to the delinquent stockholder. In case the proceeds of such sale shall be insufficient to pay said installment, said corporation may recover the balance from such negligent stockholder. Such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so purchased.

SEC. 12. Every such corporation carrying on its manufacturing or mercantile business within this State shall annually, in the month of January, make a report for the fiscal year of such corporation which shall state the amount of the capital stock of the corporation, and the amount actually paid in, the amount invested in real estate and in personal estate, the amount of debts of the corporation and the amount of credits, the name of each stockholder and the number of shares held by him at the date of such report, and such other information as the Secretary of State may require; which report shall be made on suitable blanks furnished by the Secretary of State on application, and signed by a majority of the

directors, and verified by the oath of the secretary of the corporation, and filed in the office of the Secretary of State, and a duplicate shall be filed in the office of the clerk of the county where the business of the corporation shall be carried on, which reports shall be so filed within the said month of January; and if any of said directors of any such corporation shall willfully neglect or refuse to make the report required by this section, they shall each be liable for all the debts of such corporation and subject to a penalty of twenty-five dollars, and, in addition thereto, the sum of five dollars for each and every secular day after the first day of March in each year, during the pendency of such neglect or refusal, which penalty shall be for the use and benefit of the general fund of the county in which such corporation is required to file its report, and the amount so forfeited may be recovered in an action of debt brought in the name of the board of supervisors of the county entitled to the same; and it shall be the duty of the Secretary of State to notify by mail, during the last week in September, in each and every year, the county clerk of the county in which is located the manufacturing or mercantile business of such corporation which has omitted to file in his office the report required by this section; and it shall be the duty of the county clerk, at each annual meeting of the board of supervisors of any such county, to lay before such board a statement of the names of all corporations if [in] said county who have failed to make the reports required by this act, and such board shall thereupon proceed to collect such forfeiture or forfeitures, according to law; and every such corporation, carrying on its manufacturing or mercantile business outside this State shall annually, in the month of January, make a report, which shall be signed by a majority of the directors and verified by the oath of the secretary of the corporation, and contain all the facts required to be stated by corporations doing business within this State, which report shall be filed in the office of the Secretary of State of this State during said month of January, and if such directors shall neglect or refuse to make and fill such report within the time specified, they shall be subject to the same penalties as is provided in case of corporations doing business in this State and failing to make report. The Secretary of State may, in writing, notify the Attorney General, whose duty it is hereby made on receiving such notice to institute proceedings in any court of competent jurisdiction to collect said penalty, which penalty shall be for the use and benefit of the general fund of this State. Such report shall be made upon suitable and uniform blanks, which blanks shall be furnished, on application, by the Secretary of State, without charge. And in case a corporation organized or existing under the provisions of this act shall be dissolved by process of law, or whose term of existence shall terminate by limitation, whose property and franchises shall be sold at mortgage sale or at private sale, or for any reason the attitude of the corporation toward the State shall be changed from that set forth in the articles of association, except as is provided in sections two and seventeen, it shall be the duty of the last board of directors of such corporation, within thirty days thereafter, to give notice of such change to the Secretary of State and

Signed and acknowledged.

Filed.

Neglect or refusal to make, penalty for.

Duty of Secretary of State to notify county clerk of corporation failing to file.

County clerk to notify supervisors.

Supervisors proceed to collect forfeitures.

Report of corporation whose business is without the State to state.

Filed.

Neglect.

Penalties.

Attorney General to proceed to collect.

Dissolution of corporation by process of law, limitation, etc., to be noticed by last board of directors to Secretary of State, etc.

county clerk of the county where the office of such corporation is located, signed by a majority of such directors, which said notice shall be recorded as amendments are required to be recorded, and in case of neglect to give such notice they shall be subject to the same penalties provided in case of neglect to make annual reports, which said penalties shall be collected and applied in the same manner as in case of neglect in making annual reports.

Neglect, penalty for.

#### THEIR POWERS.

Corporate powers.

SEC. 13. All corporations organized or existing under the provisions of this act shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment in any court or elsewhere, to have a common seal and to alter the same at pleasure; to elect, in such manner as they shall determine, all necessary officers; to fix their compensation and define their duties; to ordain and establish by-laws for the government and regulation of their affairs, and to alter and repeal the same; and to employ all such agents, mechanics, and other laborers as they shall think proper.

Idem.

SEC. 14. Every such corporation shall, by its corporate name, have power to acquire and hold such lands, tenements, and hereditaments, and such other property of every kind as shall be necessary for the purpose of said corporation; and such other lands, tenements, and hereditaments as shall be taken in payment of, or as security for debts due to such corporation, and to manage and dispose of the same at pleasure. It may also purchase and hold any grant of lands made by the general government to aid in any work of internal improvement in this State.

Books of account, where kept.

SEC. 15. The books of every such corporation containing their accounts shall be kept, and shall at all reasonable times be open in the city, village, or town where such corporation is located, or at the office of the treasurer of such corporation, within this State, for inspection by any of the stockholders of said corporation, and said stockholders shall have access to the books and statements of said corporation and shall have the right to examine the same in said city, village, or town, or at said office; and as often as once in each year a true statement of the accounts of said corporation shall be made and exhibited to the stockholders.

Inspection of.

Annual statement.

Stock deemed personal property, transfer of.

SEC. 16. The stock of every such corporation shall be deemed personal property, and be transferred only on the books of such corporation, in such form and manner as their by-laws shall prescribe; and such corporation shall at all times have a lien upon all the stock or property of its members invested therein, for all debts due from them to such corporation.

Lien on.

Amendment of articles of association.

SEC. 17. Every corporation organized or existing under the provisions of this act may at any annual meeting or any meeting duly called for that purpose, by a resolution adopted by a vote of two-thirds in interest of its capital stock, amend its articles of association in any manner not inconsistent with the provisions of this act, but such amendment shall not become operative until a copy of such resolution, signed by the president and secretary of the cor-

poration, shall have been recorded as is provided herein for the recording of original articles of association, when such amendments shall have the same force and effect as though said amendments had been included in the original articles, and the record, or a copy of the record of such resolution, certified as provided in section nine, shall be received in all courts of this State as *prima facie* evidence of the things therein stated.

SEC. 18. Any corporation organized or existing under the provisions of this act may remove its place of business from any city, village, or town in this State, where it is or may be located, to any other city, village, or town in this State, by a vote of two-thirds of its stockholders in interest. But in case of a removal from one county to another, the president and secretary of such corporation shall attach to their articles of association a certificate, that such corporation has thus removed, and said articles of association, together with said certificate, shall be left for record immediately on such removal, in the office of the county clerk of the county to which such corporation shall remove, and they shall be recorded by such clerk, at full length, in the book kept by him for that purpose. And the president and secretary of such corporation shall immediately upon such removal, cause a certificate thereof to be recorded in the office of the Secretary of State, and also in the office of the county clerk of the county from which it removes.

Removal of  
place of busi-  
ness.

Certificate of.

SEC. 19. The Secretary of State and any county clerk, after recording the articles of association and certificates specified by this act to be recorded by them, shall return the same, each with his endorsement of record thereon, to said corporation; and for recording the articles of association and certificates required in this act, the Secretary of State and county clerk shall each be entitled to receive at the rate of twenty cents for each folio.

Return of arti-  
cles of associa-  
tion after re-  
cording.

Fee for record-  
ing.

SEC. 20. It shall be lawful for any corporation organized or existing under the provisions of this act to establish an office or offices for the transaction of business without this State and within the United States and to hold any meeting of the stockholders or directors of such company at such office so provided for: *Provided*, That there shall always be one business office within this State, and that service of any notice or process may be made upon the agent in charge of such office, which shall be binding upon such corporation. The place of holding such offices shall be fixed by a vote of a majority of stockholders at any lawful meeting called for that purpose, and after being fixed shall not be changed within one year, and shall be certified by the directors of such corporation to the Secretary of State of this State, within two months from the time such office or offices were so located.

May establish  
office outside of  
State and hold  
stockholders'  
meetings.

Proviso.

Service of pro-  
cess.

Offices, how lo-  
cated, not to be  
changed within  
year, etc.

#### LIABILITIES FOR NEGLECT OF DUTIES.

SEC. 21. If the capital stock of any such corporation shall be withdrawn, and refunded to the stockholders before the payment of all the debts of the corporation for which such stock would have been liable, the stockholders of such corporation shall be jointly and severally liable to any creditor of such corporation, in an action

Refunding, etc.,  
of capital stock,  
prior to pay-  
ment of all  
debts, to render  
stockholders  
liable for.



Neglect, penalty  
for.

county clerk of the county where the office of such corporation is located, signed by a majority of such directors, which said notice shall be recorded as amendments are required to be recorded, and in case of neglect to give such notice they shall be subject to the same penalties provided in case of neglect to make annual reports, which said penalties shall be collected and applied in the same manner as in case of neglect in making annual reports.

#### THEIR POWERS.

Corporate powers.

SEC. 13. All corporations organized or existing under the provisions of this act shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment in any court or elsewhere, to have a common seal and to alter the same at pleasure; to elect, in such manner as they shall determine, all necessary officers; to fix their compensation and define their duties; to ordain and establish by-laws for the government and regulation of their affairs, and to alter and repeal the same; and to employ all such agents, mechanics, and other laborers as they shall think proper.

Idem.

SEC. 14. Every such corporation shall, by its corporate name, have power to acquire and hold such lands, tenements, and hereditaments, and such other property of every kind as shall be necessary for the purpose of said corporation; and such other lands, tenements, and hereditaments as shall be taken in payment of, or as security for debts due to such corporation, and to manage and dispose of the same at pleasure. It may also purchase and hold any grant of lands made by the general government to aid in any work of internal improvement in this State.

Books of account, where kept.

Inspection of.

Annual statement.

Stock deemed personal property, transfer of.

Lien on.

Amendment of articles of association.

SEC. 15. The books of every such corporation containing their accounts shall be kept, and shall at all reasonable times be open in the city, village, or town where such corporation is located, or at the office of the treasurer of such corporation, within this State, for inspection by any of the stockholders of said corporation, and said stockholders shall have access to the books and statements of said corporation and shall have the right to examine the same in said city, village, or town, or at said office; and as often as once in each year a true statement of the accounts of said corporation shall be made and exhibited to the stockholders.

SEC. 16. The stock of every such corporation shall be deemed personal property, and be transferred only on the books of such corporation, in such form and manner as their by-laws shall prescribe; and such corporation shall at all times have a lien upon all the stock or property of its members invested therein, for all debts due from them to such corporation.

SEC. 17. Every corporation organized or existing under the provisions of this act may at any annual meeting or any meeting duly called for that purpose, by a resolution adopted by a vote of two-thirds in interest of its capital stock, amend its articles of association in any manner not inconsistent with the provisions of this act, but such amendment shall not become operative until a copy of such resolution, signed by the president and secretary of the cor-

poration, shall have been recorded as is provided herein for the recording of original articles of association, when such amendments shall have the same force and effect as though said amendments had been included in the original articles, and the record, or a copy of the record of such resolution, certified as provided in section nine, shall be received in all courts of this State as *prima facie* evidence of the things therein stated.

SEC. 18. Any corporation organized or existing under the provisions of this act may remove its place of business from any city, village, or town in this State, where it is or may be located, to any other city, village, or town in this State, by a vote of two-thirds of its stockholders in interest. But in case of a removal from one county to another, the president and secretary of such corporation shall attach to their articles of association a certificate, that such corporation has thus removed, and said articles of association, together with said certificate, shall be left for record immediately on such removal, in the office of the county clerk of the county to which such corporation shall remove, and they shall be recorded by such clerk, at full length, in the book kept by him for that purpose. And the president and secretary of such corporation shall immediately upon such removal, cause a certificate thereof to be recorded in the office of the Secretary of State, and also in the office of the county clerk of the county from which it removes.

SEC. 19. The Secretary of State and any county clerk, after recording the articles of association and certificates specified by this act to be recorded by them, shall return the same, each with his endorsement of record thereon, to said corporation; and for recording the articles of association and certificates required in this act, the Secretary of State and county clerk shall each be entitled to receive at the rate of twenty cents for each folio.

SEC. 20. It shall be lawful for any corporation organized or existing under the provisions of this act to establish an office or offices for the transaction of business without this State and within the United States and to hold any meeting of the stockholders or directors of such company at such office so provided for: *Provided*, That there shall always be one business office within this State, and that service of any notice or process may be made upon the agent in charge of such office, which shall be binding upon such corporation. The place of holding such offices shall be fixed by a vote of a majority of stockholders at any lawful meeting called for that purpose, and after being fixed shall not be changed within one year, and shall be certified by the directors of such corporation to the Secretary of State of this State, within two months from the time such office or offices were so located.

#### LIABILITIES FOR NEGLECT OF DUTIES.

SEC. 21. If the capital stock of any such corporation shall be withdrawn, and refunded to the stockholders before the payment of all the debts of the corporation for which such stock would have been liable, the stockholders of such corporation shall be jointly and severally liable to any creditor of such corporation, in an action

Removal of place of business.

Certificate of.

Return of articles of association after recording.

Fee for recording.

May establish office outside of State and hold stockholders' meetings.

Proviso.

Service of process.

Offices, how located, not to be changed within year, etc.

Refunding, etc., of capital stock, prior to payment of all debts, to render stockholders liable for.

founded on this statute, to the amount of the sum refunded to him or them respectively.

Dividend, when directors liable for declaring.

SEC. 22. If the directors of any such corporation shall declare and pay a dividend when the corporation is insolvent, or any dividend, the payment of which would render it insolvent, knowing such corporation to be insolvent, or that the payment of such dividend would render it so, the directors assenting thereto shall be jointly and severally liable in an action founded on this statute, for all debts due from such corporation at the time of paying or declaring such dividend.

Other cases when directors liable.

SEC. 23. If any corporation organized or existing under this act shall violate any of its provisions, the directors ordering or assenting to such violation, shall be jointly and severally liable in an action founded on this statute, for all debts contracted after such violation as aforesaid, to the extent of three times the amount paid in on the stock standing in the name of such director in any such corporation.

#### LIENS ON STOCK—HOW ENFORCED.

Lien of corporation upon stock of stockholder, how enforced.

SEC. 24. Any corporation organized or existing under this act, which has a lien upon the stock of any stockholder therein as provided by the sixteenth section, may give notice to such stockholder that unless he shall pay his indebtedness to said corporation within three months from the time of giving such notice, then such corporation will proceed to sell and transfer the stock of such stockholder in said corporation, and upon default of payment said corporation may sell the stock of such indebted stockholder as hereinafter provided, and any such corporation may prescribe by its by-laws the manner of giving the notice required by this section.

Idem.

SEC. 25. Such corporation may, at any time within six months after it shall have given the notice required by the preceding section to such indebted stockholder of its intention to sell such stock, and the three-months notice shall have expired, advertise in one or more newspapers published in said county where such corporation is located, and if there is no newspaper published in said county, then in a newspaper published in an adjoining county, giving at least three weeks' notice of the time and place when and where such stock will be sold, and at the time and place of sale, shall state the amount due from such stockholder to such corporation, and may then proceed to sell for cash, at public auction, to the highest bidder therefor, so much of the stock of such indebted stockholder as shall pay in full the indebtedness of such stockholder to such corporation, together with the necessary costs of sale; and if the sale of the entire stock of such indebted stockholder shall not be sufficient to pay in full the claim of said corporation on said stock, such corporation shall credit the amount received for such stock, less the costs of sale, to said indebted stockholder, and may proceed to collect the remainder of their debt by any proper action for that purpose.

Issue of certificates to purchasers of stock sold, etc.

SEC. 26. Whenever the purchasers of said stock shall have complied with the conditions of said sale, the corporation shall issue new certificates of stock to such purchaser, or to their order, and

shall cancel upon the books of the corporation the certificates, of such indebted stockholders, and the new certificates so issued shall entitle the holders thereof to all the privileges, rights and interests of a stockholder in such corporation.

SEC. 27. Whenever any stockholder in any such corporation shall have made a transfer or assignment of his stock as security for his indebtedness to a third party, and afterwards shall become a debtor to such corporation, such corporation may sell the equity of redemption of such stock in the same manner as is provided for the sale of stock on which it has a lien, and shall credit the amount received from such sale to such indebted stockholder. Such corporation may require the party holding the transfer or assignment of such stock, to give a statement to the treasurer of such corporation, under oath, of the amount for which said stock was pledged; and if said party shall not give such a statement at or before the time such sale is to take place, he shall forfeit all claim and lien on such stock or any part thereof, and such corporation may sell the same as herein provided.

When stock is pledged to third party corporation may sell equity of redemption, etc.

Statement from person holding stock as collateral.

SEC. 28. Nothing contained in the four preceding sections shall affect any lien or right acquired by any other party by virtue of any attachment or levy of execution upon the stock of any stockholder in any such corporation.

Lien, etc., acquired by attachment, etc., not to be affected.

#### GENERAL PROVISIONS.

SEC. 29. The stockholders of all corporations organized or existing under this act shall be individually liable for all labor performed for such corporations, which said liability may be enforced against any stockholder by action founded on this statute, at any time after an execution shall be returned unsatisfied, in whole or in part, against the corporation, or at any time after an adjudication in bankruptcy against said corporation, and the amount due on such execution shall be *prima facie* evidence of the amount recoverable, with costs against any such stockholder; and if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the responsible stockholders to contribute their equal part of the sum so paid by him as aforesaid, and may sue them, jointly or severally, or any number of them, and recover in such action the amount due from the stockholder or stockholders so sued.

Liability of stockholders for labor debts, enforcement of, etc.

SEC. 30. Service of any notice or legal process against any corporation formed or existing under this act may be made on the president, secretary, or treasurer, or upon the agent in charge of any business office of such corporation within this State, or if neither of such officers or agent can be found, then such service may be made by posting a true copy thereof in some conspicuous place at the business office of the corporation in this State.

Service of process, etc., against corporation.

SEC. 31. All corporations formed or existing under this act shall be liable to be assessed for all real and personal estate held by them, in this State, at its true value, and shall pay thereon a tax for township, village, city, county, and State purposes, the same as other real and personal estate, and such tax shall be assessed, collected,

Assessment and taxation.

Proviso.

Property liable to execution for claims against corporation only.

Proceedings for continuation of corporate existence by corporation about to expire by limitation of time.

When chapter 191 Howell's Statutes to apply.

Organization of defacto corporations legalized, etc.

and paid in the same manner as other taxes on real and personal estate are required to be assessed, collected, and paid: *Provided*, Nothing herein contained shall authorize the taxing of the capital stock of such [corporation] corporations as such capital stock.

SEC. 32. That all articles of machinery, materials for manufacturing, or manufactured articles belonging to any such corporation, shall be free from seizure by execution or distress, for any debts or claims for rents or services, in whose hands soever they may be, except such execution or claim be against such corporation.

SEC. 33. It shall be lawful for any corporation organized or existing under the provisions of this act, whose corporate existence is about to terminate by limitation of law, at its annual meeting next preceding, or at a special meeting called for that purpose, to be held within one year immediately preceding the date of such termination, by a vote of two-thirds of its capital stock, to direct the continuance of its corporate existence for such further term, not exceeding thirty years, as may be expressed in a resolution for that purpose. Upon the adoption of such resolution by the stockholders, it shall be the duty of the president and secretary to make, sign, and acknowledge articles of association, as in the case of a new corporation, to which shall be appended a copy of such resolution verified by the oath of the secretary, which articles of association and copy of resolution shall be recorded, certified, and returned as is provided herein in case of a new corporation, and the record or a transcript of the record, certified by the Secretary of State of this State under the seal thereof, shall be *prima facie* evidence of the things therein contained. Upon the expiration of the time limited for the existence of such old corporation, a new corporation shall be deemed to be formed by such articles of association, which shall at once succeed to all the property and rights of action of the old corporation, and shall be liable for all of its debts or other obligations, and the officers of the old corporation shall succeed to like offices in the new corporation, and every stockholder in the old corporation shall be, to a like extent, a stockholder in the new corporation.

SEC. 34. To corporations organized or existing under the provisions of this act, in the absence of any applicable provision herein contained, the provisions of chapter one hundred and ninety-one of Howell's Annotated Statutes of one thousand eight hundred and eighty-two may be applied.

SEC. 35. *And it is further provided*, That all defects in the organization of any *de facto* manufacturing corporation which has attempted to organize and is now doing business under any of the laws of this State, providing for the organization of manufacturing corporations, are hereby made legal and valid in every respect, and all such manufacturing corporations shall be deemed to be duly and legally organized under and subject to the provisions of this act, and the original articles of association and amendments now on file in the office of the Secretary of State or copies of such articles of association or amendments duly authenticated by the Secretary of State, under the seal of the State, shall be received in all courts and proceedings in this State as *prima facie* evidence of the valid and regular organization of such corporation.



SEC. 36. Act number forty-one of the session laws of eighteen hundred and fifty-three, entitled "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February fifth, eighteen hundred and fifty-three, and act number one hundred and eighty-seven of the public acts of eighteen hundred and seventy-five, entitled "An act for the incorporation of manufacturing companies," approved May first, eighteen hundred and seventy-five, and all acts amendatory or supplemental to said acts so far as they relate to corporations authorized by this act are hereby repealed. But the repeal of the foregoing acts shall not dissolve any corporation formed or existing under them, and all corporations of the nature of the corporations authorized to be organized under this act, now organized and existing under said several acts in this section mentioned, or either of them, shall be deemed and taken to be organizations under this act, and all rights, obligations, and liabilities contracted, acquired, or incurred by any of such last mentioned corporations thereunder, or under the provisions of any law now in force, not inconsistent with the provisions of this act, shall continue of the same force and effect as though such acts or laws had not been repealed; and all such corporations, from and after the taking effect of this act, shall be subject to all the provisions hereof, as fully as though such organizations had been perpetual thereunder, and such organizations may continue to carry on the business specified in their articles of association under the provisions of this act as lawfully as if said acts mentioned in this section were not repealed: *Provided*, That nothing in this act contained shall be construed as in anywise affecting any other corporations whatever, organized under the several above named acts, for purposes other than those mentioned in section one of this act, but as to all such corporations the said several acts shall remain in full force.

Acts repealed.

Not to dissolve corporations formed under, etc.

Providso.

Approved June 20, 1885.

[No. 233.]

AN ACT relative to suits for libel.

SECTION 1. *The People of the State of Michigan enact*, In any suits brought for the publication of a libel in any newspaper in this State the plaintiff shall recover only actual damages if it shall appear that the publication was made in good faith and did not involve a criminal charge, and its falsity was due to mistake or misapprehension of the facts, and that in the next regular issue of said newspaper after such mistake or misapprehension was brought to the knowledge of the publisher or publishers, whether before or after suit brought, a correction was published in as conspicuous a manner and place in said newspaper as was the article sued on as libelous.

When actual damages only shall be recoverable.

Limitation of  
damages in ad-  
dition to actual.

SEC. 2. In any action or suit for the publication of a libel in any newspaper in this State, the plaintiff shall not be entitled to recover, in addition to actual damages, any greater sum than five thousand dollars.

"Actual dam-  
ages" con-  
strued.

SEC. 3. The words "actual damages" in the foregoing section shall be construed to include all damages the plaintiff may show he has suffered in respect to his property, business, trade, profession or occupation, and no other damages.

Approved June 20, 1885.

[No. 234.]

AN ACT to amend sections thirteen, fifteen, and seventeen of article four of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State, and the several acts amendatory thereof," and to add one new section to said article four to stand as section twenty-two.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections thirteen, fifteen, and seventeen of article four of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," and the several acts amendatory thereto, be amended, and that one new section be added to said article four, to stand as section twenty-two, and to read as follows:

New section  
added.

ARTICLE IV.

Bell and whistle  
on engine, when  
to be used,  
penalty for  
neglect.

SECTION 13. A bell of at least thirty pounds weight and a steam whistle shall be placed on each locomotive engine, and said whistle shall be twice sharply sounded at least forty rods before the crossing is reached, and after the sounding of the whistle the bell shall be rung continuously, until the crossing is passed, under a penalty of one hundred dollars for every neglect; *Provided*, That at street crossings within the limits of incorporated cities or villages, the sounding of the whistle may be omitted, unless required by the common council or board of trustees of such city or village; and the company shall also be liable for all damages which shall be sustained by any person, by reason of such neglect. Every railroad corporation shall, and they are hereby required to cause signal boards to be placed, well supported by posts or otherwise, and maintained at each public road or street where the same is crossed by the railroad track at grade. The board shall be so

Proviso.

Signal boards.

elevated as to not obstruct the travel, and to be seen by people before reaching the crossing, and on each side of such board shall be painted in letters not less than twelve inches in height, the words "Railroad Crossing;" but such boards need not be put up in cities or villages, unless required by the proper officers thereof, or upon the order of the Commissioner of Railroads. This provision shall not apply to signal boards already erected.

SEC. 15. Every railroad company formed under this act or any former act, and every corporation owning or operating any such railroad, shall erect and maintain in effective condition of repair fences on each side of the right of way of their respective roads, as hereinafter provided. A legal railroad fence shall be not less than four and one-half feet high, and shall be made of boards and posts in combination as follows: The boards to be of pine or hemlock, six inches in width and sixteen feet in length; the posts to be of cedar or oak, not less than seven feet in length and six inches in diameter, to be set not less than two and one-half feet in the ground at a distance apart of not more than eight feet from center to center. First a board shall be nailed to the posts close to the ground; five inches above such first board, a second; six inches above the second, a third; six inches above the third, a fourth; six inches above the fourth, a fifth; all to be capped with a like board securely nailed to the fifth board and to the posts. All the boards to be firmly nailed to the posts with not less than two eight or ten penny fence nails at each post. Or it may be constructed of posts, boards, and wire in combination as follows: The posts shall be of cedar or oak, not less than seven feet in length and six inches in diameter, to be set not less than two and one-half feet in the ground, at a distance apart of not more than eight feet from center to center. At a height of sixteen inches from the ground a pine or hemlock fence board six inches in width; and seven inches above such first pine or hemlock board, a second of the same width; both boards to be firmly nailed to the posts with two eight or ten penny fence nails at each post. At the height of five inches from the ground a barbed fence wire; and at ten inches from the ground, a second barbed wire; forty-four inches from the ground, or nine inches above the second pine or hemlock board, a third barbed wire; and fifty-three inches from the ground, or nine inches above the third barbed wire, a flat Brinkerhoff strip, or some other metallic strand of similar pattern. Or it may be constructed as follows: At a height of six inches from the ground a barbed fence wire; at thirteen inches from the ground a second barbed wire; at twenty inches from the ground a third barbed wire; at twenty-eight inches from the ground a fourth barbed wire; at thirty-seven inches from the ground a fifth barbed wire; at forty-eight inches from the ground a six-inch pine or hemlock fence board, capped with a six-inch pine or hemlock fence board. Such wires and strip to be properly strained, and the posts sufficiently braced wherever necessary to prevent the wires from becoming loose or sagging, and the wires to be securely fastened to the posts with sufficient staples. All inequalities of the ground under the fence

Right of way.

Fences to be erected, etc.

Legal fence, what to consist of.

Proviso.	to be surfaced and leveled so that no animals can pass under the lower strand: <i>Provided</i> , Any railroad company that has already erected fences along the line of its road shall not be required to construct the fence herein provided for, unless complaint under oath as to the insufficiency of the fence is made to the Commissioner of Railroads. Such right of way fences shall be provided with suitable connecting fences and cattle-guards at all highway and street crossings, which shall at all times be kept in effective repair and sufficient to prevent stock of all kinds from passing upon the track of the railroad at such highway or street crossings.
Connecting fences and cattle guards.	Convenient farm crossings shall also be constructed by any such railroad corporation across the right of way and track of its railroad, with the necessary gates or bars therefor as the owner or occupant of the premises may elect, at the sides of the right of way, upon the application of the owner or owners of land lying upon both sides of such railroad track, the same being enclosed by exterior fences, and being adjacent to such right of way. And in case of disagreement between the owner of any such lands and the railroad corporation as to the necessity for location of, or character of farm crossing so applied for or as to the plan or construction of the gates as herein provided, then either party may present the matter in dispute to the Commissioner of Railroads, who shall proceed to investigate the same as soon as may be, and render his decision thereon, which shall be final and binding upon the parties respectively; and such farm crossings shall be constructed within the time prescribed by the said Commissioner of Railroads, under a penalty of ten dollars for each and every day that such construction of the farm crossing shall be delayed beyond the expiration of the time fixed for its completion by the said Commissioner of Railroads.
Farm crossings and gates.	And until such fences and cattle-guards as hereinbefore provided for shall be duly constructed, the company or corporation owning or operating such road shall be liable for all damages done to cattle or other animals thereon which may result from the neglect of such company or corporation maintaining or operating such road, to construct and maintain in repair such fences and cattle-guards as aforesaid, to be recovered by the owner of such cattle or other animals in a civil action before any court of competent jurisdiction, together with an attorney's fee of twenty-five dollars, to be taxed as costs against the defendant, in case of recovery in such action; and after such company or corporation shall have constructed such fences and cattle-guards as hereinbefore provided, and while they shall continue to maintain the same in good and sufficient repair, it shall not be liable for any such damage as aforesaid unless negligently or willfully done. And every such company or corporation owning or operating any such railroad shall, within six months from the time any section or portion of such road is finished and put in general use by running regular trains thereon, and in the case of any roads now in use, within six months from the time this act shall take effect, erect and maintain the fences and cattle-guards as herein provided. Any violation of the provisions of this section on the part of any railroad corporation owning or operating any
Disagreement as to.	
Liability for damages.	
Time when fences, etc., must be erected, etc.	
Violation of provisions of this act, penalty.	

railroad in this State, by failure or neglect to construct and maintain fences and cattle-guards as herein required, shall be punished by a penalty of twenty-five dollars per day for each and every day that such neglect or failure shall continue: *Provided*, That if such fences and cattle-guards are not built as aforesaid along such portions of any line of road as is or may be constructed north of a line extending due west from the mouth of the Saginaw river, the corporation or company owning or operating any such line of road shall not be liable to the said penalty of twenty-five dollars per day, but shall be liable to all the other provisions of this section; and if any person shall ride, lead, or drive, or intentionally permit any horse or other animal upon such road and within such fences or cattle-guards, or neglect to close any gates or bars immediately after passing through the same, without the consent of such company or corporation, he shall, for every such offense, be liable to a fine not exceeding one hundred dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved: *Provided further*, That nothing herein contained shall be construed to prevent the erection of any other fence than that herein provided for, as may be agreed upon in writing between the duly authorized agent or officer of any railroad corporation and the owner of any land through which the road of such corporation shall be in operation.

*Provido.*

Liability to fine of persons allowing, etc., animals on tracks or neglecting to close gates, etc.

*Provido.*

SEC. 17. All railroads through lands enclosed by exterior fences that shall not be fenced as required by section fifteen of this article, within the time therein required, shall not be operated through such enclosed lands without the consent in writing of the owner or occupant thereof. Upon complaint being made under oath to said Commissioner of Railroads, by any person or persons owning or occupying such lands, that any railroad is being operated through the same in violation of the provisions of this section, he shall proceed to ascertain the facts in regard thereto, and if satisfied that such railroad is being so operated, he shall cause notice to be served upon the company or corporation owning or operating such railroad, requiring the fences and cattle guards to be constructed within such time, not less than fifteen or more than sixty days, as may be specified in such notice, at the discretion of said Commissioner of Railroads. In case of the refusal or neglect of any such company or corporation as aforesaid to comply with the requirements of the order of the Commissioner of Railroads, and to fence their road and put in the necessary cattle guards, within the time prescribed in the said notice of the commissioner, then it shall be the duty of the said commissioner, first giving at least five days' notice previous thereto, to the corporation so refusing or neglecting to comply with his said order, to present, either in open court or at his chambers, to the judge of the circuit court in and for the county in which the land so remaining unfenced, as herein provided, is situated, his petition setting forth the fact of said railroad company or corporation refusing to comply with the requirements of his said order, and praying for an injunction restraining such company or corporation from operating its road through the enclosed lands

Railroads not fenced and through lands enclosed must have owner's permit, etc., to be operated.

Duty of Railroad Commissioner as to.



described in the said order of the said commissioner, until such fences and cattle guards are constructed in accordance with the requirements of said order. If upon the hearing of such petition, the circuit judge to whom the same shall be presented, shall be satisfied that the facts set forth in the petition of the said Commissioner of Railroads are true, he shall grant an injunction as prayed for, restraining the corporation or company from operating its road through the land described in the said petition, until such time as the requirements of the Commissioner's order to fence shall have been fully complied with, and the fact of such compliance duly certified by the said Commissioner of Railroads to the corporation or company so enjoined from operating its road as herein provided, shall relieve such company or corporation from the further restraint imposed by such injunction.

Railroads crossing roads, streams, etc., must restore to former condition.

Penalty for neglect.

Proviso.

SEC. 22. Every railroad corporation constructing its road upon, or across any stream of water, water-course, private road, street, lane, alley, or highway, across any plank road, railroad, or canal, which the line of its road shall lie along or intersect, and shall fail, neglect, or refuse to restore such stream, water-course, private road, street, lane, alley, highway, plank road, railroad, or canal to its former condition as nearly as possible, as is provided by the fifth subdivision of section nine of article two of this act, shall be liable to a penalty of not less than five nor more than twenty-five dollars for each and every day that they shall fail, neglect, or refuse to perform the things hereinbefore specified and required to be performed: *Provided*, That all culverts or [other] openings in or under the road-bed of any such railroad corporation, made for the flow of water, shall be so constructed as not to interfere with the proper and thorough drainage of the land above such railroad. And any railroad corporation, or company owning or operating a railroad in this State that shall permit its engines, cars, or trains to obstruct any public street or highway, for a longer period than five minutes at any one time, shall be liable to a penalty for each offense of twenty-five dollars. The penalties provided for each case herein, shall be recovered in an action to be brought in the name of the People of the State of Michigan by the prosecuting attorney of the proper county, in which the offense charged shall have been committed, upon the complaint of the proper authorities of any city, village, or township, or of any citizen injured or aggrieved by the violation by any railroad corporation or company, of the provisions of this act in this section contained.

Ordered to take immediate effect.

Approved June 20, 1885.

# JOINT RESOLUTIONS.

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[No. 1.]

JOINT RESOLUTION requesting our Senators and Representatives in Congress to vote for the passage of the bill to prevent the importation of laborers.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be requested to use their influence and vote for House Representatives bill two thousand five hundred and fifty, to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

*Resolved,* That His Excellency the Governor be requested to transmit copies of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved January 28, 1885.

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[No. 2.]

JOINT RESOLUTION to provide for the exhibition of the horticultural and pomological productions of this State, at the exhibition of the American Pomological Society, to be held in Grand Rapids, Michigan, in September, eighteen hundred and eighty-five.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor be and is hereby empowered to provide for the collection and display of specimens of the horticultural and pomological productions of this State, at the exhibition of the American Pomological Society, to be held in the city of Grand Rapids, Michigan, in September of the year eighteen hundred and eighty-five; and that the sum of one thousand dollars be and is hereby appropriated from the general fund for such purpose, to be expended under the direction of the Governor.

Ordered to take immediate effect.

Approved February 25, 1885.

## [No. 3.]

JOINT RESOLUTION requesting Congress of the United States to make an appropriation to aid in the construction of a Soldiers' Home, to be located in the State of Michigan.

*Resolved by the Senate and House of Representatives of the State of Michigan* That our Senators and Representatives in Congress be requested to use their influence to secure an appropriation from Congress to aid in the construction of a Soldiers' Home, to be located in the State of Michigan;

*Resolved,* That the Governor of this State be requested to transmit copies of the foregoing to each of our Senators and Representatives in Congress.

Approved March 4, 1885.

## [No. 4.]

JOINT RESOLUTION authorizing the Governor to issue a patent to William H. Gordon for the northeast quarter of the northeast quarter of section sixteen, town four north, of range thirteen west, Michigan; the same being primary school land.

WHEREAS, William H. Gordon, of Salem, Allegan county, Michigan, has made satisfactory proof that he is the undisputed holder and owner of primary school land certificate of the State of Michigan, numbered five thousand two hundred and six, for the northeast quarter of the northeast quarter of section sixteen, town four north, of range thirteen west, Michigan, which said certificate was, on the twelfth day May one thousand eight hundred and fifty-four, issued by the Commissioner of the State Land Office to Elial Smith, and who, on the twelfth day of August, one thousand eight hundred and fifty-six, assigned the same to Timothy Bliss, of the same place, to secure a loan of fifty dollars, which said loan said Elial Smith subsequently repaid and fully discharged, as appears by competent testimony accompanying the petition and certificate;

AND WHEREAS, Said Timothy Bliss did execute to him, the said Elial Smith, a re-assignment of said certificate in consideration of the payment to said Timothy Bliss by said Elial Smith of said loan of fifty dollars, which said re-assignment was subsequently lost, or otherwise accidentally destroyed, without fault on the part of said parties and without the knowledge of either of said parties as to the importance of said re-assignment, as affecting the title to said land by preventing the issue of a patent therefor;

AND WHEREAS, Said Elial Smith did subsequently, on the twelfth day of April, one thousand eight hundred and sixty-four, assign to William H. Gordon, of the same place, said certificate covering the title to said land for a consideration of seven hundred dollars, and the said William H. Gordon has made good and sufficient proof that he is equitably entitled to have a patent issued to him for said land upon the surrender by him of said certificate and the payment of the principal and interest due the State for the same; yet no patent can issue to him on account of defects in matter of form in the re-assignment of said certificate by said Timothy Bliss to said Elial Smith after the same was issued by the Commissioner of the State Land Office to the said Elial Smith and at the time the same was purchased by and assigned to the said William H.

Gordon, which said re-assignment can not be procured in consequence of the death of one of the assignors; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor of the State be and is hereby authorized to sign and cause to be issued to William H. Gordon a patent for the land described in said certificate whenever the same, shall be presented to him, with the certificate of the Commissioner of the State Land Office that the principal and interest and all taxes and charges on said land have been paid.

Approved March 17, 1885.

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[No. 5.]

**JOINT RESOLUTION** requesting our Senators and Representatives in Congress to use their best endeavors to secure such legislation by Congress as will result in the establishment of a harbor of refuge at Ludington, and also secure an appropriation for that purpose in consonance with a report of the Board of Engineers, detailed by the War Department at Washington for that purpose.

WHEREAS, The commerce of Lake Michigan has suffered terribly, and many lives been sacrificed by storms upon Lake Michigan, in the vicinity of Ludington, Mason county, Michigan;

AND WHEREAS, The commerce of Lake Michigan has grown to such proportions as to be considered worthy of the attention of the national government;

AND WHEREAS, The Senate of the United States did pass a resolution instructing the Honorable the Secretary of War, to cause an examination of the harbor at Ludington to be made, with a view of ascertaining the necessity, practicability, and cost of building an harbor of refuge at said point upon Lake Michigan; therefore be it

*Resolved, by the House of Representatives of the State of Michigan* (the Senate concurring), That our Senators and Representatives in Congress be, and they are hereby requested to use their best endeavors to secure such legislation by Congress as will result in making such appropriations as are necessary to create a harbor of refuge at Ludington, such as has been recommended in report by the Board of Engineer Officers, appointed by and acting under [the] instructions of the War Department of the United States at Washington.

Approved March 17, 1885.

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[No. 6.]

**JOINT RESOLUTION** authorizing the issuing of a patent to Milton H. Davis, of the county of Gratiot, upon primary school land certificate number five thousand three hundred and twenty-one.

WHEREAS, Milton H. Davis, of the county of Gratiot, in the State of Michigan, claims that he is the rightful holder and owner of primary school land certificate, of the State of Michigan, number five thousand three hundred and twenty-one; that the whole amount of the principal and interest therein specified, has been paid, and that said Milton H. Davis, and his father, William Davis, have been in possession of the land described in said certificate, as a

homestead, in good faith, believing themselves to be the owners thereof, and making expensive and valuable improvements thereon, for upwards of twenty years;

AND WHEREAS, One of the instruments of assignment, under which said Milton H. Davis holds said certificate, appears to be incorrect, it being the assignment of James Sprague to Lewis Pearson, in which assignment said James Sprague, (he being the person to whom the Commissioner of the Land Office of the State of Michigan issued said certificate,) signed said instrument of assignment in the presence of William A. Hewitt and J. P. Rathbun, and apparently acknowledged the execution thereof to be his free act and deed, although the certificate of acknowledgment signed by said William A. Hewitt, as a justice of the peace for Clinton county, Michigan, which certificate of acknowledgment fails to state that said James Sprague personally appeared before said justice of the peace;

AND WHEREAS, Said Milton H. Davis has made diligent search for said James Sprague, and said J. P. Rathbun, and has not succeeded in finding them, or either of them; and that said Milton H. Davis verily believes that he cannot find either said Sprague or said Rathbun;

AND WHEREAS, Said William A. Hewitt, the justice of the peace before whom said acknowledgment of execution purports to have been taken, and who was one of the aforesaid witnesses, died at Maple Rapids, in Clinton county, Michigan, more than twenty years ago;

AND WHEREAS, The said Milton H. Davis claims to be equitably entitled to have a patent issued to him on said certificate, yet that none can issue to him, on account of the defect in the acknowledgment of the assignment made by said James Sprague to said Lewis Pearson;

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor of this State be, and is hereby authorized to sign and to cause to be issued to said Milton H. Davis a patent for the lands described in said certificate whenever the same shall be presented to him, with the certificate of the Commissioner of the State Land Office that the principal and interest, and all taxes and charges levied upon said lands, have been paid.

This joint resolution is ordered to take immediate effect.

Approved March 17, 1885.

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[No. 7.]

JOINT RESOLUTION to authorize the issue of a patent to Ezra Jones upon primary school land certificate number one hundred and forty-four.

WHEREAS, Ezra Jones of Ingham county, Michigan, has made satisfactory proof that he is the undisputed holder and rightful owner of primary school land certificate of the State of Michigan, number one hundred and forty-four (144), for lot number eleven (11), of block number one hundred and thirty-five (135), of the city of Lansing, Ingham county, Michigan, which said certificate was on the twentieth day of November, in the year of our Lord eighteen hundred and forty-seven, issued by the Commissioner of the State Land Office, to one John C. Rainey, who, on the eighteenth day of May, in the year of our Lord eighteen hundred and forty-nine, assigned the same to one Van S. Murphy, and which said certificate by reason of several assignments has become the property of said Ezra Jones, who has made proof of the payment to the State



of the interest, taxes, and charges on said certificate, and that he, the said Ezra Jones, and the parties under whom he holds, have been in possession of said premises for over thirty years;

AND WHEREAS, The said Ezra Jones has paid all claims against said certificate, and received a certificate from the Commissioner of the State Land Office therefor, yet that no patent can issue to him on account of the detachment and loss of the clerk's certificate, which was formerly attached to the assignment made by said John C. Rainey, to said Van S. Murphy, which said clerk's certificate cannot now be found, though diligent search has [been] made therefor, and a new one cannot now be obtained, because of certain omissions in the form of the acknowledgment, rendering it impossible to determine when said assignment was made and acknowledgment taken; therefore be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor of this State be and is hereby authorized to sign and cause to be issued to the said Ezra Jones a patent for the lands described in said certificate, whenever the same shall be presented to him with the certificate of the Commissioner of the State Land Office that the principal and interest and all taxes and charges levied against said land have been paid.

Ordered to take immediate effect.

Approved March 20, 1885.

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[No. 8.]

JOINT RESOLUTION to authorize the Board of State Auditors to make investigation to ascertain the cost and expediency of lighting the State capitol building and grounds with electric light.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and directed to make investigations and secure estimates, to determine the cost of providing for lighting the State capitol building and grounds with electric light; also the cost of lighting said building and grounds per annum, after the necessary plant has been provided; and also the cost of lighting the said buildings and grounds with gas; and that said Board of State Auditors be directed to make a full report of the results of their investigations to the present Legislature.

Ordered to take immediate effect.

Approved April 2, 1885.

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[No. 9.]

JOINT RESOLUTION authorizing the Governor and Military Board to allow the Soldiers and Sailors' Association of Central Michigan, and the Grand Army of the Republic and all other organizations of the soldiers of the late war the use of tents and apparatus belonging to the State.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor and Military Board are hereby authorized to allow the organization known as the Soldiers and Sailors' Association of Central Michigan and to the Grand Army of the Republic, and all other organizations of

soldiers in the late war, the use of such number of tents and apparatus belonging to the State as may be necessary for their reunions and annual encampments, under such regulations as may be prescribed by the Quartermaster General, but it shall not be lawful to grant the use of any of the State property to any civil organization.

Ordered to take immediate effect.

Approved April 2, 1885.

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[No. 10.]

**JOINT RESOLUTION** declaring the necessity of having one or more Soldiers' Homes established in this State for the protection of Union soldiers and marines who have become disabled since their discharge from service, and to provide a joint committee to investigate and report as to feasibility of the Dearborn Arsenal property, etc.

WHEREAS, It is a well known fact that there is within this State a large number of honorably discharged Union soldiers and marines, residents of Michigan, who, although not suffering from wounds received in the service of the United States, are nevertheless physically disqualified from suitably and comfortably maintaining themselves, some by reason of old age, and others by reason of disabilities or disease contracted since their discharge;

AND WHEREAS, There is no provision in the present laws which provides national homes for disabled soldiers and marines, except for such as were disabled during the late war while in service;

AND WHEREAS, The present and future generations of our republic will always feel it a public duty and pleasure, appropriately and in a patriotic manner, to care for those who preserved the Union;

AND WHEREAS, Suitable homes for such disabled soldiers and marines as are not entitled to enter the present National Soldiers' Homes should be provided and maintained at the public expense, and one of such homes should be established in this State as soon as practicable;

AND WHEREAS, The general government is the owner of commodious buildings and property at Dearborn in Wayne county, this State, known as the "Dearborn arsenal," which has not been in public use by the general government for many years, and could be fitted up for such a Soldiers' Home with moderate expense, and is in a desirable locality; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That with a view to have a suitable home for such disabled Union soldiers and marines provided in this State, as soon as practicable, a joint committee consisting of three members of the Senate and three members of the House, be appointed to investigate and report by the fifteenth day of May, eighteen hundred and eighty-five, as to the feasibility of establishing one or more such homes in this State, and the adaptability of the said Dearborn arsenal property, or any other property, for such a home, and also what, if any action should be requested of Congress to aid in establishing and maintaining such Soldiers' Homes, and such other matters concerning the same as the committee may see fit.

Approved April 23, 1885.

## [No. 11.]

## JOINT RESOLUTION for the relief of George P. Baker.

WHEREAS, George P. Baker of Hamtramck, Wayne county, Michigan, formerly of Hastings, Barry county, Michigan, represents that on or about the twenty-ninth day of April, in the year of our Lord eighteen hundred sixty-two, he was commissioned by Governor Austin Blair, by telegram, to enlist recruits in the State service, and continued to act as such recruiting officer until on or about the third day of June, in the year of our Lord eighteen hundred sixty-two, when he was mustered into the United States service, as a second lieutenant of the eighth regiment of Michigan infantry; that he enlisted some fifty-three recruits in said State service, and claims one hundred five dollars as one month's pay for such services; that while so engaged he paid, June first, eighteen hundred sixty-two, for transporting such recruits from Hastings to Battle Creek, for the eighth regiment Michigan infantry, the sum of eight dollars and forty cents, and for dinner for the same the sum of two dollars; that he also paid May twenty-sixth, eighteen hundred sixty-two, for boarding eight recruits for said regiment, at Hastings, the sum of nineteen dollars and sixty cents; and for the use of teams for transporting the same from Hastings to Battle Creek, the sum of ten dollars; that he also paid, on or about May twenty-sixth, eighteen hundred sixty-two, for transportation of himself and thirteen others, such recruits, from Battle Creek to Detroit, the sum of twenty-eight dollars and fifty-five cents; and that he has never received any compensation for such services and disbursements; that he left his account and vouchers with Col. J. R. Smith, at his request, for the reason that he required the signature of Governor Blair, who was then at Pittsburg Landing, that Col. Smith promised to collect the claim and forward the same to said Baker's wife, at Hastings aforesaid; that Col. Smith overlooked the matter and never collected the claim; that said Baker went on to the front and did not return to Michigan until eighteen hundred sixty-four, when he was informed by said Col. Smith that said claim could not be paid except it be authorized by special act of the Legislature; therefore

*Be it resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors are hereby authorized and empowered to hear evidence, and if they shall deem such claim to be legal and just, to audit and allow to said George P. Baker so much of the aforesaid claim, with interest, as the said Baker shall be able to satisfy them by proper vouchers or other evidence is justly due him for said services and disbursements; and that on such allowance the Auditor General issue his warrant on the State Treasurer, in favor of said George P. Baker, for the amount so audited and allowed, payable out of any moneys in the treasury not otherwise appropriated.

Ordered to take immediate effect.

Approved April 24, 1885.

## [No. 12.]

JOINT RESOLUTION authorizing the Auditor General to suspend the sale of lands delinquent for taxes of eighteen hundred eighty-two.

WHEREAS, By an equal division of the supreme court, in two cases brought

before said court, grave doubt is thrown upon the constitutionality of tax sales made under the tax law of eighteen hundred eighty-two, so called ;

AND WHEREAS, By reason of said doubt a large amount of litigation and expense will be likely to arise, should further sales be made under such law ; therefore

*Resolved by the House of Representatives of the State of Michigan* (the Senate concurring therein), That the Auditor General be and he is hereby authorized and instructed to suspend the sale for delinquent taxes of eighteen hundred eighty-two, now advertised to take place on Monday, May fourth, eighteen hundred eighty-five, until such time as the Legislature may otherwise direct, either by resolution or the enactment of a statute bearing upon the subject.

Ordered to take immediate effect.

Approved April 29, 1885.

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[No. 13.]

JOINT RESOLUTION authorizing the Governor to issue a patent to Chester C. Morton, of Cass county, for the east one-half of the southeast fractional one-quarter of section sixteen, in township five south, of range number fifteen west, in Cass county, the same being primary school lands.

WHEREAS, Chester C. Morton, of Cass county, Michigan, claims to be the rightful holder and owner of primary school land certificate number eight hundred fifty, and of the lands therein described, to wit: The east one-half of the southeast fractional one-quarter of section sixteen, township five south, of range fifteen west, in the county of Cass, and that he, the said Chester C. Morton, has been for upwards of thirty years and is now in the actual and peaceable possession of said premises, in good faith believing himself to be the owner thereof, and has made expensive and valuable improvements thereon during the said period of thirty years, and has paid the whole amount of the principal for which said lands were sold, with all the interest thereon ;

AND WHEREAS, One of the assignments under which said Chester C. Morton holds said certificate, made in the year eighteen hundred forty-seven, appears to be insufficient, owing to the omission of the second witness to the execution thereof ;

AND WHEREAS, Another transfer of said premises, made in the year eighteen hundred fifty-two, is also insufficient, for want of a proper certificate of acknowledgment and probate proceedings ;

AND WHEREAS, In view of said irregularities, the said Chester C. Morton is prevented, under existing laws, from obtaining a patent for said lands, yet in view of the equities in the case, and in order that justice may be done to the said claimant, therefore be it

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Governor of this State be and is hereby authorized to sign and cause to be issued to the said Chester C. Morton a patent for the lands described in the said certificate, whenever the same shall be duly presented to him accompanied with the certificate of the Commissioner of the State Land Office, that the principal and the interest, and all the taxes and charges against said land have been paid.

Approved May 4, 1885.

## [No. 14.]

JOINT RESOLUTION authorizing the Board of State Auditors to adjust the claim of Peter DesPelder, growing out of the sale of certain State swamp lands.

WHEREAS, On the first day of February, in the year of our Lord eighteen hundred and fifty-one, Enos Wetherell received from the United States a patent for lot three, section twenty-five, town ten north, range eight west, which the said Wetherell subsequently conveyed by deed in due form to Peter DesPelder;

AND WHEREAS, The said land was selected by the State as swamp land on the twenty-ninth day of March, in the year of our Lord eighteen hundred and fifty-two, and on the twenty-sixth day of December, in the year of our Lord eighteen hundred and sixty-six, patented to the State of Michigan;

AND WHEREAS, The said DesPelder, to protect his said title was compelled to purchase from the State of Michigan its title to said land; therefore

*Be it Resolved by the Senate and House of Representatives,* That the Board of State Auditors be and the same are hereby authorized to inquire into and adjust the said claim of the said Peter DesPelder in such manner as they may deem just and equitable: *Provided,* That the State of Michigan secure reimbursement therefor from the general government.

Ordered to take immediate effect.

Approved May 6, 1885.

## [No. 15.]

JOINT RESOLUTION to provide for alphabetically indexing the names of all soldiers from this State in the late war, found upon the records of the Adjutant General's office.

WHEREAS, There is no index in alphabetical order of the names upon the records of the Adjutant General's office of the volunteer soldiers in the various regiments, companies, and batteries from this State in the United States service during the Southern rebellion;

AND WHEREAS, As the said records now are, it is impracticable to find the record of a soldier without knowing the company or regiment in which said soldier served, requiring in many instances much research, often unsuccessful; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Adjutant General be and he is hereby directed to commence, or cause to be commenced at once, and perfected at as early a date as practicable, the indexing of the names of all the soldiers enlisting from this State into the service of the United States in the war of the rebellion as found upon the records on file in this office;

*Resolved,* That the Adjutant General be and is hereby authorized to procure such index books and employ such clerical assistance as he may deem necessary, and the Board of State Auditors are hereby authorized and required to audit and allow such expenses as may be necessarily incurred in carrying into effect the purpose of this resolution, and when so audited and allowed the Auditor General shall draw his warrant for the same upon the State Treasurer, who shall pay such warrant out of any money in the general fund not otherwise



appropriated: *Provided*, That the amount so paid shall not exceed five hundred dollars.

Ordered to take immediate effect.

Approved May 11, 1885.

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[No. 16.]

JOINT RESOLUTION proposing an amendment to section ten of article ten of the constitution of this State relative to the board of auditors of Wayne county.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That there shall be submitted to the electors of this State, for their approval or rejection, the following amendment to section ten of article ten of the constitution of this State:

SEC. 10. The board of supervisors, or in the county of Wayne the board of county auditors, shall have the exclusive power to prescribe and fix the compensation for all services rendered for, and to adjust all claims against their respective counties, and the sum so fixed or defined shall be subject to no appeal: *Provided*, That the Legislature shall have power to regulate, control, modify, or abolish the board of county auditors of Wayne county, and may by law provide for the auditing of the accounts of Wayne county.

*Be it further resolved*, That said constitutional amendment shall be submitted to the electors of the State, at the general election to be held on the Tuesday succeeding the first Monday in November, in the year one thousand eight hundred and eighty-six, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State, in the same manner that he is now required to do in the case of the election of a Governor and Lieutenant Governor, and the several townships and cities in this State shall prepare a suitable box for the reception of ballots cast for or against said proposition. Each person voting for said proposition shall have written or printed, or partly written and partly printed on his ballot the words: "Amendment to the constitution relative to board of auditors of Wayne county—Yes;" and each person voting against said proposition shall have written or printed, or partly written and partly printed on his ballot the words: "Amendment to the constitution relative to the board of auditors of Wayne county—No." The ballots shall in all respects be canvassed and returns made as in the election of Governor and Lieutenant Governor.

Ordered to take immediate effect.

Approved May 11, 1885.

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[No. 17.]

JOINT RESOLUTION relating to the semi-centennial celebration of the admission of the State of Michigan into the Union.

WHEREAS, We are near the period when this State will pass the fiftieth anniversary of its admission into the union of States, and in view of the great changes wrought, the wonderful developments and rapid advancement made, during this half century, and while there still remain among us many of those

who have contributed so much towards these magnificent results, and by whose wisdom the destiny of this commonwealth has been directed, and for whom we have such great admiration and respect; therefore

*Resolved by the Senate and House of Representatives of the State of Michigan,* That his Excellency the Governor be and is hereby authorized and requested to appoint five commissioners, the same to be confirmed by the Senate, and that said commissioners be empowered to determine upon a day and to make all proper and suitable provisions for celebrating the semi-centennial of the admission of the State of Michigan into the Union, and that a sum not exceeding five thousand dollars be and hereby is appropriated from the general funds, or so much of which as may be necessary to be used by said commissioners for such celebration;

*And further,* That his Excellency the Governor is hereby appointed to act with said commissioners, and shall be the president of such commission, and shall keep an accurate account of all expenses and disbursements of the same, and shall present vouchers for the same duly certified by him to the Auditor General, who shall thereupon draw his warrant or warrants on the State Treasurer for such sums as may be necessary within said appropriation.

Said commissioners shall serve without compensation, but their actual expenses shall be allowed and paid out of said appropriation.

Ordered to take immediate effect.

Approved May 11, 1885.

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[No. 18.]

JOINT RESOLUTION extending the time for the completion of the Marquette, Houghton and Ontonagon Railroad.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the time heretofore limited for the completion of the Marquette, Houghton and Ontonagon Railroad be and the same hereby is extended to May first, eighteen hundred and eighty-seven: *Provided,* That said company shall be required to build at least ten miles of said road westward from the village of L'Anse, Baraga county, before the first day of July, eighteen hundred and eighty-six. And in prosecuting its work of construction the Marquette, Houghton and Ontonagon Railroad Company shall not be required to commence such work at Ontonagon. Nothing in this resolution, however, shall be construed as authorizing in any manner a change in the route of said road as now established.

Ordered to take immediate effect.

Approved May 15, 1885.

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[No. 19.]

JOINT RESOLUTION to authorize the Governor of this State to sign and cause to be issued to whom it may concern a release of all the right, title and interest of the State of Michigan in and to the west half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ), and the northeast quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of sec-

tion fifteen (15) in township fourteen (14) north, of range four (4) west, Michigan, and cause the same to be recored in the office of the register of deeds for the county of Isabella, Michigan.

WHEREAS, On the fourteenth day of May, eighteen hundred and fifty-five, David Ward made application to the United States Land Office for the west half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ), and the northeast quarter of the southwest quarter ( $\frac{1}{4}$ ) of section fifteen (15), township fourteen (14) north, of range four (4) west, Michigan, and was allowed to enter the same, to-wit: The west half ( $\frac{1}{2}$ ) of southeast quarter ( $\frac{1}{4}$ ) of said section with bounty land warrant number fifty-four thousand six hundred fifty-seven, and the northeast quarter of southwest quarter of said section with bounty land warrant number ninety-six thousand three hundred forty-six;

AND WHEREAS, Said entries were cancelled on the twenty-first day of February, eighteen hundred and fifty-six, and were duly re-instated April fourteenth and seventeenth, eighteen hundred and fifty-six, and patents issued therefor by the United States, November first, eighteen hundred and fifty-six, to the said David Ward, and by him recorded in the office of register of deeds of Isabella county, Michigan, and which said patents have never been cancelled;

AND WHEREAS, On the first day of April, eighteen hundred and fifty-six, said David Ward made application to the State Land Office of this State for said land under act one hundred sixty-six, session laws of eighteen hundred and fifty-five, and deposited with the said land office, the requisite amount of money to purchase said lands;

AND WHEREAS, On the twenty-ninth day of June, eighteen hundred and sixty-three, said David Ward sold and conveyed by quit-claim deed, all of said lands to George Morton and Harvey Morton;

AND WHEREAS, Said George Morton and said Harvey Morton platted said lands, in eighteen hundred and sixty-four, into a village known as the village of Mt. Pleasant, and sold the same as village lots, and that at the present time said lots are owned and occupied by about one hundred and fifty different persons, also large blocks of business houses, churches, hotels, mills, shops, etc.;

AND WHEREAS, The Legislature of Michigan, on the eleventh day of March, eighteen hundred and sixty-one, passed an act authorizing the selection of lands of the United States in lieu of these lands, by virtue of an act of Congress of eighteen hundred and fifty-five authorizing the same;

AND WHEREAS, The Commissioner of the State Land Office allowed said David Ward, after the passage of the above acts and the decision of the Supreme Court of this State in the case of Dale vs. Turner, thirty-four Michigan, four hundred and five, to supplement his application of April first, eighteen hundred fifty-six, on the twenty-sixth day of November, eighteen hundred and eighty-three, and a patent was issued to him January twenty-first, eighteen hundred eighty-four, notwithstanding said Ward had sold and conveyed the lands in eighteen hundred and sixty-three;

AND WHEREAS, Action was commenced by the State Land Commissioner to procure a cancellation of said State patent issued erroneously as claimed by the said commissioner, and a decree has been entered in said cause in the circuit court for the county of Ingham, cancelling said State patent; therefore

*Be it resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor of this State be, and he is hereby authorized to sign and cause to be issued to whom it may concern, a release of all the right, title

and interest of the State of Michigan in and to the above described lands, to the end that the title to said lands may be confirmed in the parties equitably entitled thereto, and to cause the same to be recorded in the office of the register of deeds for the county of Isabella, Michigan.

Ordered to take immediate effect.

Approved May 26, 1885.

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[No. 20.]

JOINT RESOLUTION directing the Commissioner of the State Land Office to cause to be issued a patent to William S. Charles for the west half of the southwest quarter of section number thirty-three, town two (2) south, range fourteen west, the same being State swamp land.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office be and hereby is directed to cause to be issued a patent to William S. Charles for the west half of the southwest quarter of section number thirty-three, town two south, range fourteen west, upon the payment to the State Treasurer of the purchase price of said land, at the rate of one dollar and twenty-five cents per acre: *Provided,* That he file with the said Commissioner of the State Land Office a receipt for all taxes heretofore assessed on said land.

*Second,* That the township board of the township of Waverly, Van Buren county, and State of Michigan, are hereby authorized to adjust the taxes now due on said land at any sum which in their judgment may be deemed reasonable, and upon the payment of the sum so agreed upon the treasurer of said township shall give his receipt for the same.

Ordered to take immediate effect.

Approved June 5, 1885.

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[No. 21.]

JOINT RESOLUTION to define the methods of securing the doors to the rooms in which inmates are confined at the Industrial Home for Girls, and to provide for fire escapes at said Industrial Home for Girls.

WHEREAS, At the State Industrial Home for Girls, the inmates are now confined in their rooms at night by individual locks, closed and operated from the outside, thereby endangering the lives of said inmates in case of fire; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That at the State Industrial Home for Girls, the respective rooms of the inmates shall be secured at night by some method or device that can be operated from a central point in the corridor, or matron's room, so that in case of fire the inmates of any building can all be liberated instantaneously from a single point in each of said cottages;

*Be it further resolved,* That the Board of Control shall at once cause to be erected suitable fire escapes at each of the cottages where said inmates are confined;

*And be it further resolved,* That there shall be appropriated the sum of one thousand dollars, or so much thereof as may be necessary, for said fire escapes and locks, to be paid out of the general fund not otherwise appropriated.

Ordered to take immediate effect.

Approved June 9, 1885.

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[No. 22.]

JOINT RESOLUTION directing the Board of State Auditors to settle a claim of Muskegon county against the State of Michigan for shortage in the amount credited by the Auditor General to said county, under section ten of act number one hundred and ninety-seven of the public acts of the session of eighteen hundred and eighty-three.

WHEREAS, One clause of section ten of act number one hundred and ninety-seven of the session laws of eighteen hundred and eighty-three, reads as follows: "And all the balance of the taxes heretofore assessed upon the lands granted to the State of Michigan, and lying within the counties of Ottawa and Muskegon, upon the route extending from Grand Haven to Owosso, and thence to Flint, as described in this act, and returned by the county treasurers of said counties of Muskegon and Ottawa to the Auditor General as delinquent and unpaid, and all interest and charges since accrued thereon are hereby cancelled; and the Auditor General is hereby directed to credit said counties of Muskegon and Ottawa respectively, with the amount thereof in all cases where the same has been heretofore charged back to such counties, and with all interest and charges since accrued upon the amount so charged back; but the total amount of such credit shall in no case exceed the total amount such county may now be indebted to the State," etc.;

AND WHEREAS, It is claimed that the Auditor General charged back to the county of Muskegon, on the thirtieth of June, eighteen hundred and eighty-two, for taxes, interest, and charges accrued upon certain of said lands, the sum of seventy-seven hundred and one and thirty one-hundredths dollars (\$7,701.30), and that the entire credit said county has received therefor, under the provisions of said section ten, has been only twenty-eight hundred and five and sixty one-hundredths dollars (\$2,805.60), which credit was made by the Auditor General about September thirtieth, eighteen hundred and eighty-three;

AND WHEREAS, It is further claimed that in any event, and whether the construction put upon the meaning of said section ten by the Auditor General is correct or not, said county of Muskegon has been unjustly deprived of its rights in the matter, and is, in equity, entitled to a further credit of not less than forty-eight hundred and ninety-five and seventy one hundredths dollars (\$4,895.70); therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and are hereby authorized and instructed to investigate and examine said claim, and determine as to what amount, if anything, is justly and equitably due and owing to the said county of Muskegon, or should in equity be credited or paid to said county; and said board is hereby authorized and empowered to settle and adjust such claim, and to allow said county of Muskegon such sum as they shall find justly due, or to which said county may be equitably entitled.

Approved June 12, 1885.



## [No. 23.]

JOINT RESOLUTION authorizing and directing the Auditor General to place to the credit of the county of Manitou the sum of six hundred and ninety-one dollars and eighty-eight cents.

WHEREAS, At the last session of the State Board of Equalization, the county of Manitou was not represented, owing to the remoteness of said county from the usual lines of travel;

AND WHEREAS, The returns from the authorities of said county were not received in time to aid the said board in equalizing the valuation so far as said county was concerned;

AND WHEREAS, The valuation placed by said board was inequitable and largely in excess of the value of the taxable property of said county;

AND WHEREAS, The payment of taxes based on said equalization is largely in excess of what said county should pay, thereby making the payment of the same a great burden on the taxpayers of said county; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be and he is hereby authorized and directed to place to the credit of the said county of Manitou the sum of six hundred and ninety-one dollars and eighty-eight cents.

Ordered to take immediate effect.

Approved June 12, 1885.

## [No. 24.]

JOINT RESOLUTION to refund to John Macfie certain money paid by him for timber on land claimed by the State, and afterwards patented to him under act number two hundred and seventy-five of the session laws of eighteen hundred and eighty-one.

WHEREAS, John Macfie, of Grand Haven, Ottawa county, Michigan, was made to pay to the State, and did during the months of May and November, eighteen hundred and eighty-one, pay the sum of four hundred and five dollars and twenty-five cents as damage and judgments for timber and bark cut by him on the southwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, the northeast quarter of the southwest quarter, and the west half of the southeast quarter of section nine (9), town nine (9) north, of range fifteen (15) west, in the county of Muskegon, said lands being part of the "Detroit and Milwaukee railroad lands," so called, and the title whereto, at the time said timber and bark was cut, was deemed to be vested in the said John Macfie; said title being based, among other conveyances, upon nine successive tax deeds from the State; which said amount of four hundred and five dollars and twenty-five cents was paid over by the said John Macfie for the benefit of the State;

AND WHEREAS, The said John Macfie did subsequently, to wit: on the twenty-eighth day of February, eighteen hundred and eighty-two, obtain a patent from the State for said lands, under the provisions of act number two hundred and seventy-five, of the laws of eighteen hundred and eighty-one, by paying therefor to the State the amount of money by said act required, the issuing of which patent to him by the State, based as it was upon the proofs of ownership and

possession, by said act required, confirmed his rightful claim to said lands, and to the timber thereon at the time it was cut; therefore

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the aforesaid sum of four hundred and five dollars and twenty-five cents, with interest from the first day of December, eighteen hundred and eighty-one, be refunded by the State to the said John Macfie, and the Auditor General is hereby authorized and directed to draw his warrant for said amount in favor of the said John Macfie upon the State Treasurer, who shall pay said amount out of any money in the general fund not otherwise appropriated.

Ordered to take immediate effect.

Approved June 17, 1885.

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[No. 25.]

JOINT RESOLUTION for the payment of expenses incurred in examination of charges against Nelson DeLong, mayor of the city of Muskegon.

WHEREAS, On the twenty-fifth day of May, in the year of our Lord eighteen hundred and eighty-two, the Governor of the State of Michigan ordered an investigation of the charges preferred against Nelson DeLong, mayor of the city of Muskegon, who at that time was also prosecuting attorney of the county of Muskegon, in which said city is situated;

AND WHEREAS, The Governor did appoint George W. McBride, an attorney of Ottawa county, to conduct such investigation;

AND WHEREAS, The statute is silent respecting the payment of costs and charges attending said proceedings, except witness fees, which are a charge against the county; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and are hereby authorized and instructed to receive and examine all claims for costs, services, and expenses in conducting said investigation, presented by William Carpenter and George McBride, and to allow to the claimants such sums as they shall find to be equitably and justly due them, not to exceed the sum of one hundred and twenty-two dollars to said Carpenter and one hundred and forty-seven dollars to said McBride, and for such sums so allowed by said board the Auditor General is hereby instructed to draw his warrant on the State Treasurer, and the Treasurer is hereby required to pay the same out of any moneys in the treasury not otherwise appropriated.

Ordered to take immediate effect.

Approved June 17, 1885.

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[No. 26.]

JOINT RESOLUTION to provide for placing a statue of Gen. Lewis Cass in the Representative gallery of illustrious Americans at the National Capitol.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the sum of ten thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of securing and placing in Old Representative Hall at the National Capitol a statue of Gen. Lewis Cass, as one of the illustrious men of America;

*And further resolved*, That there shall be appointed three commissioners by the Governor, whose duty shall be to procure such statue at a cost not to exceed the sum of ten thousand dollars, and cause the same to be placed in the Old Representative Hall at the National Capitol: *Provided*, That the money hereby appropriated shall not be drawn from the treasury until the year eighteen hundred and eighty-eight and the same shall be incorporated in the State tax for the year eighteen hundred and eighty-seven.

Approved June 17, 1885.

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[No. 27.]

JOINT RESOLUTION proposing an amendment to section one, article nine, of the constitution of this State, relative to the salaries of State officers.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That an amendment to section one of article nine of the constitution of this State be and the same is hereby proposed to read as followed:

SECTION 1. The judges of the circuit courts shall receive an annual salary of twenty-five hundred dollars; the Governor, State Treasurer, Secretary of State, the Commissioner of the Land Office, Attorney General, and Superintendent of Public Instruction shall receive such salary as shall be fixed and determined by the Legislature of this State, such salaries to be fixed and determined by the Legislature of this State at its first session after the adoption of this amendment and in each fourth year thereafter;

*Be it further resolved*, That said amendment shall be submitted to the people of this State at the next general election to be held therein on the first Tuesday after the first Monday in the month of November, in the year one thousand eight hundred and eighty-six, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State in the same manner he is now required to do in case of the election of a Governor or Lieutenant Governor, and the several townships and cities in this State shall prepare suitable boxes for the reception of ballots cast for or against said amendment. Each person voting for said amendment shall have written or printed or partly written or printed on his ballot the words, "Amendment to the constitution relative to salaries of State officers.—Yes;" and each person voting against said amendment shall have on his ballot in like manner, "Amendment to the constitution relative to salaries of State officers.—No." The ballots shall in all respects be canvassed and returns made as in a general election of State officers.

Approved June 17, 1885.

# CONCURRENT RESOLUTIONS.

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[No. 1.]

## CONCURRENT RESOLUTION.

WHEREAS, There is destitution among the laboring classes in our State, on account of their not being able to obtain employment;

AND WHEREAS, A large per cent of all moneys expended in erecting public buildings is paid out directly to the day laborer;

AND WHEREAS, There is a large surplus of money in the United States treasury, a part of which might be used in relieving the destitution now existing; therefore be it

*Resolved by the Senate of the State of Michigan* (the House concurring therein), That our Senators and Representatives in Congress be and they are hereby requested to use their influence to secure an appropriation sufficient to erect suitable buildings for postoffices (and other government purposes) in all cities in the State that have a population of ten thousand or more (as shown by the State census of eighteen hundred and eighty-four) that have not already such buildings, and further to use their best endeavors to secure a reduction of the burdens of taxation that bear so heavily on the people.

Approved January 27, 1885.

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[No. 2.]

## CONCURRENT RESOLUTION.

WHEREAS, The Senate of the United States did pass a resolution of the date of April twenty-second, in the year of our Lord eighteen hundred and eighty-four, instructing the Honorable Secretary of War to cause an inquiry to be made as to the cost of construction of the Lake Superior Ship Canal and the Portage Lake Improvement Company Canal; and also to enquire upon what terms said canals might be purchased by the United States and make free water ways to the commerce of the great lakes;

AND WHEREAS, The Honorable Secretary of War did designate Col. O. M. Poe, of the United States Army, to make such examination and report, in conformity to said resolution;

AND WHEREAS, The Honorable Secretary of War did report on or about January fifth, in the year of our Lord eighteen hundred and eighty-five, that Col.

Poe had made such examination, and on whose report did recommend that Congress take steps to purchase the same, and make them free water ways to the commerce of the lakes;

AND WHEREAS, The tolls collected by these canals are a serious burden to a numerous people and a very large industry embraced inside the limits of the territory supplied by these canals;

AND WHEREAS, These water ways should be made free channels to the great traffic that is now springing up with Minnesota, Iowa, and the country along the Northern Pacific Railroad, that passes through Lake Superior, finding an outlet to the east and sea-board;

AND WHEREAS, The dangers of the navigation of Lake Superior may be greatly lessened by the improvement of this water way, and make a safe shelter at a point where the dangers of this lake are the greatest, and most serious disasters have occurred; therefore

*Be it resolved by the Senate of the State of Michigan* (the House concurring), That our Senators and Representatives in Congress be and they are hereby requested to use their best endeavors to secure such legislation by Congress as will result in the United States acquiring, upon fair and reasonable terms, title to and ownership of the Portage Lake and River Improvement Company and Portage Lake and Lake Superior Ship Canal and Railway Company, connecting the waters of Keweenaw bay through Portage river, Portage lake, and the Portage Lake and Lake Superior Ship Canal and Railway Company with the waters of Lake Superior, for the purpose of making them free to the commerce of the lakes, and securing a commodious harbor of refuge for that commerce at a point on Lake Superior most dangerous to it.

*Resolved*, That the Secretary of the Senate be and he is hereby instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Approved January 31, 1885.

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[No. 3.]

### CONCURRENT RESOLUTION relative to postal telegraph.

WHEREAS, The interests of every citizen of the State of Michigan, irrespective of his political faith, or occupation or profession in life, demand that the business of transmitting intelligence by telegraph between the people of this country be undertaken by the government of the United States, as proposed in the bill known as the "Sumner postal telegraph bill," now before Congress; therefore, be it

*Resolved by the House of Representatives* (the Senate concurring), That we heartily endorse the postal telegraph bill introduced in Congress by the Hon. Charles A. Sumner, of California, as being a measure eminently wise and practical, and designed to secure low uniform rates by telegraph, and a more rapid method of carrying the letters of the people;

*Resolved*, That our Senators and Representatives in Congress be and they are hereby earnestly requested to support and use all honorable means to secure the passage of said bill;



*Resolved*, That the Governor of Michigan be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Approved February 25, 1885.

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[No. 4.]

CONCURRENT RESOLUTION.

*Resolved by the House of Representatives* (the Senate concurring), That seven hundred copies, in addition to the number provided for by law, of the annual report of the State Board of Fish Commissioners for the years eighteen hundred and eighty-three and eighteen hundred and eighty-four, be allowed said commission for distribution among the fishermen and other interested parties in the State, and that the State Board of Auditors be and are hereby directed to audit and allow the bill for printing the same.

Approved March 17, 1885.

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[No. 5.]

CONCURRENT RESOLUTION.

WHEREAS, We learn that Ulysses S. Grant, our greatest soldier in days of peril, our honored President in the turbulent ebb of civil war, and our esteemed citizen in time of peace, is borne down by an enemy that the sword, now in its scabbard, cannot conquer;

AND WHEREAS, We recognize, and remember with grateful feelings, the personal qualities of bravery and courage of our great chieftain as re-enacted by him through his patience in suffering and his fortitude in pain;

AND WHEREAS, Michigan in the pride of her untarnished loyalty forgets not in time of trouble a brave defender of her cherished liberty; therefore

*Resolved*, That the House of Representatives (the Senate concurring) and in behalf of the people of the State of Michigan, extend to the hero of Appomattox, in his weary hours of suffering, the consolation of their sympathies born of admiration, memory, and gratitude;

*Resolved*, That our earnest desires are only expressed by many years of added blessings and usefulness to his life, and that the field of battle may be yet afar off where he shall fall upon death.

Approved March 18, 1885.

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[No. 6.]

CONCURRENT RESOLUTION.

*Resolved* (the House concurring), That the Governor is hereby requested to call the attention of the people of this State to the importance of planting trees for ornament and shade, by naming a day upon which this work shall be given special attention, to be known as "Arbor Day."

Approved March 26, 1885.

## [No. 7.]

## CONCURRENT RESOLUTION.

WHEREAS, It has pleased Divine Providence to remove from among us the Honorable Hezekiah G. Wells, who has been intimately and honorably connected with the history and growth of this State through its whole period of existence, and in his death the State has lost one of her most useful citizens, a pure patriot, and a sincere friend of mankind; therefore be it

*Resolved* (the Senate concurring), That we extend to the friends of the deceased our sympathy in this period of their great bereavement; and

*Resolved further*, That the Governor of this State be requested to transmit to the widow of the deceased a copy of these resolutions.

Approved April 15, 1885.

## [No. 8.]

## SENATE CONCURRENT RESOLUTION.

WHEREAS, The United States unsurveyed shoal water lands in Lake St. Clair, in the State of Michigan, generally known as the St. Clair Flats, are and long have been a place of favorite and great resort by the people, even from abroad, for boating and sailing, recreation and health, and for fishing and hunting, the same being a world famous resort for game, in season;

AND WHEREAS, It is a grateful convenience and a beneficent privilege to the public to have at hand an inviting resort conferring as does this territory especial favors, where the people may go for proper and healthful pleasure and for relaxation and recuperation from the wearing pursuits of business;

AND WHEREAS, This territory has for so long been a place of free resort for all the people for the purposes aforementioned that they would not now know how to do without it, and situated as it is adjacent to the great and growing city of Detroit—a just pride of the whole country—it too would most justly, deeply, and forever feel its irreparable loss as a place of public resort, while the sum for which it would be sold as a part of the public domain would constitute but a trifling one which would never be felt to be of account;

AND WHEREAS, Attempts have been made by various parties to possess this territory by private acquisition for the purpose of converting the same into close private reserves, thus arbitrarily excluding the public forever from all rights therein and constituting the territory a permanent and most aggravating monopoly against the people for all time, a bill for which purpose was introduced into the preceding Congress but which went down under the strong and earnest protest by the people against it by petition and otherwise, aided by private efforts;

AND WHEREAS, Other attempts are being made for the private acquisition of this territory, its possession being very desirable, and it being probable that if not formally set aside for the people it will pass to private occupation either by free-booting right or by private acquisition;

Therefore, this territory being a part of the public domain and believing such measure to be in the line of a wise and beneficent public policy; be it

*Resolved by the Senate of the State of Michigan* (the House concurring therein), That Congress is hereby requested by proper statute to set aside the said St.

Clair territory as a national preserve for the people of the United States, subject to wise and proper regulations which it shall prescribe; and also that our Senators and Representatives in Congress are requested to give their earnest support to such measure, and efficiently oppose all private claims and efforts to obtain possession of said territory which are not plainly warranted by unmistakable legal right and justice;

AND WHEREAS, We deprecate the policy which the general government has extensively practiced in the past of selling to private parties the United States unsurveyed overflowed shoal water and marsh lands which in many localities in extensive tracts border the nation's public waters—as the inlets of the ocean our navigable lakes and rivers—to be converted by said parties into close private shooting preserves to the perpetual exclusion of the people therefrom, such exclusion greatly abridging, as it does, the freedom and desirable privileges to the people which should be afforded by the public waters, which exclusion is already, and in the future will more and more be felt to be a public aggravation and outrage of magnitude, for the people habitually, largely, and very properly, and will more and more in the future resort to the public waters for recreation, tripping, health, fishing, sailing, and shooting;

AND WHEREAS, These lands are of much account to the people for the purpose of public resort, and also as they come of or belong to the public or people's domain, there is eminent equity and propriety in the demand that they be preserved for public use;

AND WHEREAS, The majority of this class of overflowed favorite territory for fish and game, and for public resort in the nation, has already passed to the exclusion of private ownership and control; therefore, we express our earnest belief that the unwise and injurious policy of selling these lands to private parties should go no further; and therefore,

*Be it resolved by the Senate* (the House concurring), That Congress is respectfully requested to interpose against their further private acquisition, and to set aside, by proper enactment, this class of territory belonging to the public domain, as a common preserve for the use of the people, subject to such regulations as may be established by rightful authority; and that our Senators and Representatives in Congress be requested to use their best endeavors to secure such proper legislation.

Approved April 24, 1885.

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[No. 9.]

#### CONCURRENT RESOLUTION.

*Resolved by the Senate* (the House concurring), That the Quartermaster General be and he is hereby authorized, under such regulations as may be approved by the Governor, to loan to the State of Maine the army tents belonging to the State of Michigan, for the use of the veterans of the Grand Army of the Republic at the National Reunion to be held in the city of Portland, in June next: *Provided*, That such regulations shall make provision that the State of Maine shall, in accordance with the proposition of the Governor of that State, be responsible and pay for all damage to the same, and pay all expenses of transportation, and the expenses of an agent to have charge of the same while so loaned.

Approved May 11, 1885.

[No. 10.]

## CONCURRENT RESOLUTION.

*Resolved by the Senate* (the House of Representatives concurring), That the Secretary of State be requested to furnish Legislative Manuals as per the following schedule:

Governor.....	20
Lieutenant-Governor.....	20
Speaker of the House.....	20
President <i>pro tem.</i> of the Senate.....	18
Speaker <i>pro tem.</i> of the House.....	16
Senators—31, each 15.....	465
Representatives—98, each 9.....	882
Secretary of the Senate.....	8
Clerk of the House.....	8
Assistant Secretary of the Senate.....	4
Journal Clerk of the House.....	3
Corresponding Clerk of the House.....	3
Engrossing and Enrolling Clerk of the Senate.....	2
Engrossing and Enrolling Clerk of the House.....	2
Assistant Engrossing and Enrolling Clerk of the Senate.....	1
Assistant Engrossing and Enrolling Clerk of the House.....	1
Sergeant-at-Arms of the Senate.....	2
Sergeant-at-Arms of the House.....	2
Assistant Sergeant-at-Arms of the Senate—2, each 1.....	2
Assistant Sergeant-at-Arms of the House—2, each 1.....	2
Clerks of the Senate Committees—4, each 1.....	4
Clerks of the House Committees—5, each 1.....	5
Postmistress.....	1
Assistant Postmaster.....	1
Reporters, each 1.....	7
Clerk Special Joint Tax Committee.....	1
Total.....	1,500

Approved May 12, 1885.

[No. 11.]

## CONCURRENT RESOLUTION.

*Resolved*, (the Senate concurring), That the Legislature of the State of Michigan, learning that the Hon. G. V. N. Lothrop, of Detroit, has been appointed by the President of the United States minister to Russia, desire to express their appreciation of the honor done the people of Michigan by the selection of one of its most distinguished sons to a position so honorable in the diplomatic service of his country. The Legislature further desires to congratulate the President and the people of the United States upon an appointment which cannot but reflect credit upon the administration. Knowing Mr. Lothrop's career, we are proud to see in the public service a gentleman whose purity of life and

whose record as a public spirited citizen, no less than his accomplishments as an orator, jurist, and scholar, rank him among the noblest in the land.

Adopted by a unanimous rising vote of both Houses of the Legislature.

Approved May 12, 1885.

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[No. 12.]

CONCURRENT RESOLUTION.

WHEREAS, We have with deep regret learned of the death of the Hon. Allen Potter, a distinguished citizen, a member of the Legislature of eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, a former member of Congress from the fourth district of this State, and fully appreciating that in his death the State suffers an irreparable loss; therefore be it

*Resolved* (the Senate concurring), That we sincerely mourn the loss of Allen Potter to the State and the community where he lived, and desiring publicly to express our appreciation of the purity of his public, as well as the virtues of his private life;

*Resolved*, That in token of our regard, the flag of our country be placed at half mast on the capitol of this State, as an emblem of private and of public mourning, and remain in that position during the day;

*Resolved*, That we tender our warmest sympathies to the family and friends of the deceased, and that the Governor of this State be requested to transmit a copy of these resolutions to his widow.

Approved May 19, 1885.

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[No. 13.]

CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That this Legislature learns with pleasure of the appointment of one of its most popular members, the Hon. Cyrenus P. Black, to the position of United States Attorney for the Eastern District of Michigan, and that recognizing as we do, the eminent fitness of the honorable gentleman for the position, we congratulate the President upon a selection which will meet with so hearty approval not only from the professional brethren of the appointee, but from the citizens of all parties throughout the State.

Approved May 26, 1885.

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[No. 14.]

CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That the Quartermaster General be and is hereby authorized to loan the Grand Commandery of Knights Templar of Michigan so much of the camp equipage belonging to the State as may be necessary to be used at the State encampment of that body, to be held at Grand Rapids on the sixteenth and seventeenth of September, in the year of our Lord



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eighteen hundred and eighty-five, at the meeting of the seventeenth annual reunion of the Army of the Cumberland: *Provided*, That the Quartermaster General shall send competent persons in charge of said equipage, and that all the expense and damage, excepting ordinary wear and tear, shall be borne by the Knights Templar: *And provided further*, That the same shall not interfere with the use of the camp equipage by the State troops.

Approved May 29, 1885.

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[No. 15.]

CONCURRENT RESOLUTION.

*Resolved by the House of Representatives* (the Senate concurring), That the Secretary of the Senate and clerk of the House of Representatives be, and they are hereby directed to compile and prepare for publication, make indexes, and superintend the publication of the Journals and documents of the present Legislature, and when complete and certified to by the Secretary of State, the Secretary of the Senate shall be entitled to and receive for such services the sum of five hundred dollars, and the clerk of the House of Representatives shall be entitled to and receive for such services the sum of six hundred dollars, the same to be paid on the certificate of the Secretary of State.

Approved June 16, 1885.

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**NOTE.**—The words and sentences enclosed in brackets in the foregoing acts and resolutions were in the bills and resolutions as passed by the Legislature, but not in the enrolled copy as approved by the Governor.

# AMENDMENT TO THE CONSTITUTION.

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Amendment to the constitution proposed by the Legislature of eighteen hundred and eighty-three, and ratified and approved by the people at the November election of eighteen hundred and eighty-four.

## ARTICLE VI.

SECTION 6. The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. The Legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and the circuit judge or judges of said circuit, in addition to the salary provided by this constitution, shall receive from said county of Wayne such additional salary as may, from time to time, be fixed and determined by the board of supervisors of said county; and the board of supervisors of each county in the Upper Peninsula is hereby authorized and empowered to give and pay to the circuit judge of the judicial circuit to which such county is attached, such additional salary or compensation, as may from time to time be fixed and determined by such board of supervisors.

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## CERTIFICATE.

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STATE DEPARTMENT MICHIGAN, } ss.  
*Secretary's Office.*

I, HARRY A. CONANT, Secretary of State of the State of Michigan, do hereby certify, that the date of the final adjournment of the regular session of the Legislature of this State for the present year, was June twentieth, one thousand eight hundred and eighty-five.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Michigan, at Lansing, this twenty-fourth day [ L. S. ] of June, in the year of our Lord one thousand eight hundred and eighty-five.

HARRY A. CONANT,  
*Secretary of State.*

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APPENDIX:

CONTAINING

STATE TREASURER'S ANNUAL REPORT

FOR THE YEAR 1884.

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# STATE TREASURER'S ANNUAL REPORT, 1884.

STATE OF MICHIGAN,  
STATE TREASURER'S OFFICE,  
*Lansing, Mich., Oct. 7, 1884.*

HON. JOSIAH W. BEGOLE, *Governor*:

DEAR SIR.—Agreeable to the requirements of law, I hand you my report for the fiscal year, ending Sept. 30, 1884, including statements of the condition of the banks, organized under the laws of the State, from which reports have been received:

The balance on hand as given in my last report, was.....	\$1,074,267 20
The receipts have been.....	3,806,618 42
	<u>\$4,380,885 62</u>
Payments .....	3,238,554 93
Balance in Treasury.....	\$1,142,330 69

Which corresponds with the amount charged to this office on the books of the Auditor General, as appears by his letter:

STATE OF MICHIGAN,  
AUDITOR GENERAL'S OFFICE,  
*Lansing, Oct. 7, 1884.*

HON. E. H. BUTLER, *State Treasurer, Lansing, Mich.*:

DEAR SIR—The amount charged to the State Treasurer on the books of this office at the close of business, on the 30th day of September last, was \$1,142,330.69.

Very respectfully,

W. C. STEVENS,  
*Auditor General.*

The following statement from the General and Auxiliary Ledgers gives the condition of the several Trust Funds, Sinking Fund, Bond Account, etc.:

Credit—

General Fund.....	\$753,568 42
Agricultural College Interest Fund.....	5,117 25
Normal School Interest Fund.....	993 67
Primary School Interest Fund.....	363,245 42
Sundry Deposits Account.....	4,908 58
War Fund.....	8,570 23
St. Mary's Canal Fund.....	68,927 12
War Bounty Loan Bond Account.....	234,000 00
	<u>\$1,439,330 69</u>



## Debit—

Sinking Fund (U. S. 4½% Bonds).....	297,000 00
Cash balance .....	1,142,330 69
	<hr/>
	\$1,439,330 69

## BONDED DEBT.

Acting under authority of the Board of Fund Commissioners I have purchased during the year sixty-three of the War Bounty Loan Bonds of one thousand dollars each. The same have been canceled and entered upon the books of this office as paid, leaving the total indebtedness as follows:

Past due part-paid Five Million Loan Bonds, \$21,000, adjustable at \$578.57 per \$1,000, (not bearing interest).....	\$12,149 97
War Bounty Loan Bonds, 7%, due in 1890.....	234,000 00

## TRUST FUND DEBT.

The Trust Fund Debt, composed of balances upon which the State as trustee pays interest for educational purposes, now is:

Agricultural College Fund.....	\$272,327 40
Normal School Fund.....	61,284 81
Primary School Fund (seven per cent).....	\$3,124,810 60
“ “ “ (five per cent) .....	359,375 87
	<hr/>
	3,484,186 47
University Fund.....	495,822 72
	<hr/>
Aggregate balance of Trust Funds .....	\$4,313,621 40

Upon which interest has been paid from the Specific Tax Fund according to law.

## STATE BANKS.

There are now forty banking associations under the general laws of this State. Seven have been organized during the year; one has discontinued business, and one has failed and is now in the hands of a receiver.

## PRIMARY SCHOOL INTEREST FUND.

By reference to the ledger accounts it will be noticed that the Primary School Interest Fund is credited with \$363,245 42. I desire particularly to call attention to this account. Under existing laws this balance, which is inviolably appropriated to the support of the primary schools, must be held by this office for about seven months. It would doubtless be far more satisfactory to the school districts, and would relieve the State Treasurer from the care and responsibility of a large sum of money, if a semi-annual distribution could be authorized by the Legislature. The fund is now paid to the counties in May of each year. A considerable portion of it is collected within a few months after that time. If in November a second payment of the amount then to the credit of the fund could be made upon the same basis as the May payment, it would prove far more convenient to this office as well as to the school districts.

The following statement gives the receipts and payments in detail:

*General Fund.*

## RECEIPTS.

Balance Sept. 30, 1893.....		\$585,186 61
Auditor General's Office—Taxes, etc.—		
Tax histories, statements, and deeds.....	\$3,639 13	
Delinquent taxes (taxes, etc.).....	172,985 05	
State tax lands, Act 229, of 1881.....	119,123 39	
		295,797 57
Counties (from County Treasurers)—		
Under old tax law.....	\$189,074 13	
Under new tax law.....	1,437,898 81	
Proceeds of sales.....	178,028 16	
		1,804,491 15
Earnings—		
State Prison—convict labor.....	\$59,655 55	
		59,655 55
Fees, licenses, etc.—		
Auditor General's office—		
Plats filed.....	\$247 00	
Commissioner of Insurance—		
Labor fees.....	27 35	
Fees, co-operative associations.....	500 00	
Penalties paid by insurance companies.....	250 00	
Commissioner of State Land office—		
Plats, etc.....	1,337 77	
Settlers' licenses.....	106 00	
Pioneer Society of Michigan—		
Collections.....	124 50	
Secretary of State—		
Certificates and certified copies.....	853 10	
Commissions to Commissioners of Deeds.....	66 00	
State Oil Inspector—		
Inspection fees.....	2,359 62	
State Treasurer—		
Fees, Notaries Public.....	533 00	
Peddlers' licenses.....	842 20	
Superintendent of Public Instruction—		
Certificate fees.....	25 00	
		7,271 54
Interest—		
Specific taxes.....	\$5,929 51	
Surplus funds.....	28,878 16	
U. S. 4½ per cent Bonds (in sinking fund).....	13,365 00	
		48,167 67
Refunding—		
Appropriations unexpended—fire sufferers.....	\$180 25	
Awards by Board of State Auditors.....	848 51	
Coroner's fees.....	7 93	
Incidental expenses Legislature.....	4 24	
Attorney general.....	6 75	
		547 68
Sales—		
Michigan reports.....	\$1,057 50	
Session laws.....	107 50	
Legislative manuals.....	35 80	
Michigan in the War.....	90 00	
Old furniture.....	19 00	
		1,309 80
State lands, purchases of—		
Asylum lands—principal and interest.....	\$1,462 81	
Asset lands—principal and interest.....	314 80	
Salt Spring lands—principal and interest.....	1,187 81	
State building lands—principal and interest.....	1,177 00	
Detroit & Milwaukee Railroad lands.....	11,698 85	
Five per cent sale of lands by United States.....	26,115 40	
		41,954 67
Miscellaneous—		
Liquor tax.....	\$1,100 00	
Rent of State building lots in Lansing.....	1,698 63	
Taxes on part-paid lands.....	7,626 63	
Conscience money.....	16 06	
		10,441 31
Transfers—		
From Agricultural College Fund.....	\$13,802 87	
" Normal School Fund.....	419 36	
" Primary School Fund.....	70,434 10	
" Specific Tax Fund.....	42,843 68	
" Swamp Land Fund.....	117,523 28	
" University Fund.....	2,421 40	
		247,444 69
Total.....		\$3,102,268 24

<i>General Fund.</i>		
DISBURSEMENTS.		
<b>Appropriations—</b>		
<b>Asylums—</b>		
Eastern Asylum for the Insane.....	\$11,250 00	
Michigan Asylum for the Insane.....	8,545 70	
Northern Asylum for the Insane.....	151,251 00	
Asylum for Insane Criminals.....	27,589 22	
Institution for Educating the Deaf and Dumb.....	74,200 01	
Michigan School for the Blind.....	64,083 34	
		\$336,919 27
<b>Boards, etc.—</b>		
Board of Corrections and Charities.....	\$3,883 99	
Board of Fish Commissioners.....	10,000 00	
Bureau of Labor and Industrial Statistics.....	4,690 98	
Immigration Agency.....	8,000 00	
State Board of Health.....	5,759 14	
		32,334 11
<b>Colleges and Schools—</b>		
Agricultural College.....	\$30,306 00	
State Normal School.....	28,287 86	
State Public School for Dependent Children.....	39,150 00	
University of Michigan.....	90,875 00	
		188,618 86
<b>Prisons—</b>		
Michigan State Reform School.....	\$76,250 00	
State House of Correction.....	1,700 00	
State Industrial Home for Girls.....	48,485 50	
		126,435 50
<b>Miscellaneous—</b>		
Compiling Legislative Journal.....	\$500 00	
Commissioner of Mineral Statistics.....	3,125 00	
Fire and Police Department of Lansing.....	750 00	
Howell Compilation.....	47,500 00	
Military Account.....	40,029 34	
Michigan in the War.....	5,568 38	
Michigan Superintendents of the Poor.....	130 01	
Paving Cooper street, at Jackson.....	3,800 00	
Pioneer Society of the State of Michigan.....	2,500 00	
Relief and support of Edward Murphy.....	375 00	
Soldiers' Aid.....	4,000 00	
State Library.....	4,000 00	
State Teachers' Institutes.....	1,800 00	
State Capitol building.....	2,803 76	
		116,181 47
<b>Expenses of State Government—</b>		
<b>Awards by Board of State Auditors—</b>		
General awards.....	\$37,183 74	
Members of boards of State institutions.....	7,852 67	
Michigan reports.....	5,326 50	
Paper and stationery.....	24,033 57	
Printing and binding.....	46,786 07	
		151,182 55
<b>Institutions, etc.—</b>		
Apprehending escaped convicts.....	\$1,913 30	
Care of juvenile offenders.....	3,451 11	
Conveying convicts to State Prison.....	4,805 93	
Conveying convicts to State House of Correction.....	26,682 13	
Return of children from State Public School.....	166 25	
State Board of Education.....	868 99	
State House of Correction (current expenses).....	83,000 00	
State Prison (current expenses).....	78,655 55	
Support of female convicts.....	142 41	
Support of insane.....	194,861 40	
Transportation of children to State Public School.....	1,972 41	
		395,019 48
<b>Judiciary—</b>		
Courts.....	\$2,671 74	
Cost of suits.....	4,191 51	
State Reporter (incidental expenses).....	204 55	
		7,057 00
<b>Refunding—</b>		
Taxes, etc., Auditor General's office.....	\$20,750 75	
Principal, interest, and taxes, land office.....	958 00	
		21,708 75
<b>Salaries—</b>		
State officers, clerks, and judges of courts.....	\$239,856 82	
Officers and clerks of military department (charged back to military account).....	2,916 68	
		242,773 00
<b>Taxes—</b>		
Expenses of collecting delinquent taxes, and sales.....	\$19,053 48	
Fund for counties.....	538,216 50	
Sundry counties.....	71,808 84	
		628,578 82

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<b>Miscellaneous—</b>		
Agent of State Public School.....	\$99 80	
Coroner's fees.....	1,627 52	
Institution for Educating the Deaf and Dumb (charged back to counties).....	2,652 15	
Michigan School for the Blind (charged back to counties).....	526 25	
Wolf bounties.....	72 00	
Sugar bounty (David Root).....	42 00	
		<b>\$5,019 22</b>
<b>Transfers—</b>		
To Primary School Fund.....	\$0,705 84	
To Swamp Land Fund.....	87,160 15	
		<b>96,865 99</b>
Balance Sept. 30, 1884.....		<b>753,568 42</b>
<b>Total.....</b>		<b>\$3,102,268 24</b>

## Specific Tax Fund.

### RECEIPTS.

From boiler inspection companies.....	\$253 15	
From express companies.....	2,356 35	
From fire insurance companies.....	93,017 81	
From freight, sleeping, and palace car companies.....	1,573 84	
From life insurance companies.....	33,046 50	
From mining companies.....	43,306 32	
From plank and gravel road companies.....	723 81	
From plate-glass insurance companies.....	115 24	
From railroad companies.....	617,629 03	
From river improvement companies.....	431 77	
From telegraph companies.....	8,930 23	
From telephone companies.....	1,104 76	
<b>Total.....</b>		<b>\$802,593 81</b>

## Specific Tax Fund.

### DISBURSEMENTS.

<b>Refunding—</b>		
To Detroit and Bay City R. R.....	\$100 00	
To Home Fire Ins. Co.....	300 00	
		<b>\$400 00</b>
<b>Transfers—</b>		
To Agricultural College Interest Fund.....	\$18,739 02	
To General Fund.....	42,843 68	
To Normal School Interest Fund.....	3,681 51	
To Primary School Interest Fund.....	673,437 58	
To Two Million Loan Sinking Fund.....	10,313 36	
To University Interest Fund.....	34,618 66	
To War Fund.....	18,585 00	
		<b>802,198 81</b>
<b>Total.....</b>		<b>\$802,593 81</b>

## Agricultural College Fund.

### RECEIPTS.

From sale of lands.....	\$13,802 87	
		<b>\$13,802 87</b>

## Agricultural College Fund.

### DISBURSEMENTS.

Transfer to General Fund.....	\$13,802 87	
		<b>\$13,802 87</b>

## Normal School Fund.

### RECEIPTS.

From sale of lands.....	\$419 36	
		<b>\$419 36</b>

## Normal School Fund.

### DISBURSEMENTS.

Transfer to General Fund.....	\$419 36	
		<b>\$419 36</b>

## APPENDIX.

*Primary School Fund.*

## RECEIPTS.

From sale of lands.....	\$80,728 26	
From transfer from General Fund, Detroit & Milwaukee Railroad Lands..	9,705 84	
		<u>\$70,434 10</u>

*Primary School Fund.*

## DISBURSEMENTS.

Transfer to General Fund.....	\$70,434 10	
		<u>\$70,434 10</u>

*University Fund.*

## RECEIPTS.

From sale of lands.....	\$2,421 40	
		<u>\$2,421 40</u>

*University Fund.*

## DISBURSEMENTS.

Transfer to General Fund.....	\$2,421 40	
		<u>\$2,421 40</u>

*Agricultural College Interest Fund.*

## RECEIPTS.

Balance Sept. 30, 1883.....		\$4,610 47
Interest on lands.....	\$9,340 89	
Trespass collections.....	51 16	
		<u>9,392 05</u>
Transfer from Specific Tax Fund .....		18,739 02
Total.....		<u>\$32,741 54</u>

*Agricultural College Interest Fund.*

## DISBURSEMENTS.

Advertising forfeited lands.....	\$218 35	
Supervisors' appraisals.....	8 00	
Treasurer Agricultural College.....	27,402 94	
		<u>\$27,624 29</u>
Balance Sept. 30, 1884.....		5,117 25
Total.....		<u>\$32,741 54</u>

*Normal School Interest Fund.*

## RECEIPTS.

Balance Sept. 30, 1883.....		\$985 93
Interest on lands.....	\$696 69	
		<u>696 69</u>
Transfer from Specific Tax Fund .....		3,661 51
Total.....		<u>\$5,274 18</u>

*Normal School Interest Fund.*

## DISBURSEMENTS.

Advertising forfeited lands.....	\$3 00	
Treasurer Normal School.....	4,277 51	
		<u>\$4,280 51</u>
Balance Sept. 30, 1884 .....		993 67
Total.....		<u>\$5,274 18</u>

*Primary School Interest Fund.*

## RECEIPTS.

Balance Sept. 30, 1883.....		\$396,403 31
Interest on lands.....	\$23,521 46	
Rent of land, High School, Lansing.....	1 00	
Trespass collections.....	1,278 09	
		<u>24,795 55</u>
Transfer from Specific Tax Fund .....		678,437 58
Total.....		<u>\$1,094,636 44</u>



*Primary School Interest Fund.*

## DISBURSEMENTS.

Advertising forfeited lands .....	\$198 94	
Apportionment to counties .....	780,943 08	
Refunded .....	240 00	
Supervisors' appraisals .....	11 00	
		\$781,391 02
Balance Sept. 30, 1884 .....		363,245 42
Total .....		<u>\$1,094,636 44</u>

*University Interest Fund.*

## RECEIPTS.

Interest on lands .....	\$3,793 17	
Transfer from Specific Tax Fund .....	84,618 66	
Total .....		<u>\$88,411 83</u>

*University Interest Fund.*

## DISBURSEMENTS.

Advertising forfeited lands .....	\$1 40	
Treasurer University of Michigan .....	88,410 43	
Total .....		<u>\$88,411 83</u>

*Swamp Land Fund.*

## RECEIPTS.

Interest on land .....	\$1,608 23	
Sale of lands—cash .....	29,638 65	
Sale of lands—swamp land warrants .....	84,215 20	
Trespass collections .....	2,063 20	
		\$117,523 28
Transfer from General Fund .....		87,160 15
Total .....		<u>\$204,683 43</u>

*Swamp Land Fund.*

## DISBURSEMENTS.

Advertising forfeited lands .....	\$332 03	
Examining roads .....	112 45	
Expenses of commissioner .....	271 93	
Refunded .....	250 99	
Salaries of commissioner and clerk .....	1,975 55	
Supervisors' appraisals .....	2 00	
Swamp land warrants .....	84,215 20	
		\$87,160 15
Transfer to General Fund .....		\$117,523 28
Total .....		<u>\$204,683 43</u>

*Sundry Deposits Account.*

## RECEIPTS.

Balance Sept. 30, 1883 .....		\$6,320 32
Bids on forfeited Primary School Lands .....	\$612 41	
Interest on bids on forfeited Primary School Lands .....	132 67	
Interest on bids on forfeited University Lands .....	129 66	
Money received in letter, no signature .....	5 80	
		\$880 04
Total .....		<u>\$7,200 36</u>

*Sundry Deposits Account.*

## DISBURSEMENTS.

Refunded bids on forfeited Primary School Lands .....	\$1,375 76	
" interest on bids on forfeited Primary School Lands .....	132 67	
" bids on forfeited University Lands .....	600 34	
" interest on bids on forfeited University Lands .....	429 66	
" bids on forfeited Swamp Lands .....	153 85	
		\$2,291 78
Balance Sept. 30, 1884 .....		4,908 58
Total .....		<u>\$7,200 36</u>

## APPENDIX.

*War Fund.*

## RECEIPTS.

Balance Sept. 30, 1883.....	\$11,833 39
Transfer from Specific Tax Fund.....	18,585 00
Total.....	<u>\$30,418 39</u>

*War Fund.*

## DISBURSEMENTS.

Coupons of War Bounty Loan bonds.....	\$21,848 16	\$21,848 16
Balance Sept. 30, 1884.....		8,570 23
Total.....		<u>\$30,418 39</u>

*Sinking Fund.*

## RECEIPTS.

Transfer from Specific Tax Fund .....	\$10,313 36
Balance.....	63,000 00
Total .....	<u>\$73,313 36</u>

## DISBURSEMENTS.

War Bounty Loan Bonds purchased.....	\$63,000 00
Premium on same.....	10,313 36
Total .....	<u>\$73,313 36</u>

Balance as above .....	\$63,000 00
War Bounty Loan Bonds outstanding.....	234,000 00
	<u>\$297,000 00</u>
United States 4½ per cent Bonds on hand.....	297,000 00

*St. Mary's Canal Fund.*

## RECEIPTS

Balance September 30, 1883.....	\$68,927 12
Total .....	<u>\$68,927 12</u>

*St. Mary's Canal Fund.*

## DISBURSEMENTS.

Balance September 30, 1884.....	\$68,927 12
Total.....	<u>\$68,927 12</u>

All of which is respectfully submitted,

E. H. BUTLER,  
State Treasurer.

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**REPORTS**  
**OF**  
**STATE BANKS**

**ORGANIZED UNDER THE GENERAL LAWS OF THE  
STATE OF MICHIGAN.**

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**REPORT of the condition of the Ann Arbor Savings Bank at Ann Arbor, Michigan, on Monday, Oct. 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$235,335 89
Overdrafts.....	140 80
Furniture and Fixtures.....	1,980 85
Expenses.....	1,300 39
Due from Banks and Bankers .....	20,912 07
Legal Tender, Bank Notes, Gold and Silver Coin.....	87,607 19
Bonds and Mortgages.....	156,680 50
United States 4 per cent Bonds.....	11,400 00
	<u>\$465,307 69</u>

**LIABILITIES.**

Capital paid in.....	\$50,000 00
Surplus Fund.....	25,000 00
Undivided Profits .....	22,957 17
Due Depositors.....	368,902 52
Dividends Unpaid.....	448 00
	<u>\$465,307 69</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHAS. E. HISCOCK, *Cashier.*

Subscribed and sworn to before me this seventh day of October, 1884.

RUFUS OATE, *Notary Public.*

**REPORT of the condition of the Bay County Savings Bank at Bay City, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$75,573 63
Furniture, Fixtures, and Safe.....	1,852 45
Expenses.....	2,389 96
Due from Bank and Bankers and cash on hand.....	26,693 28
Bonds, Saginaw City Union School Bonds .....	10,000 00
	<u>\$116,509 42</u>

**LIABILITIES.**

Capital paid in.....	\$40,840 00
Undivided Profits.....	2,653 82
Due Depositors.....	73,015 60
	<u>\$116,509 42</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

JNO. MULHOLLAND, *Treasurer.*

Subscribed and sworn to before me this sixth day of October, 1884.

CHAUNCEY H. SHEARER, *Notary Public.*

*REPORT of the condition of the Central Michigan Savings Bank at Lansing, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$247,558 82
Overdrafts .....	1,801 61
Furniture and Fixtures.....	1,428 74
Expenses.....	1,458 69
Checks on other Banks and Cash Items .....	5,714 88
Due from Banks and Bankers.....	42,885 23
Legal Tender and Bank Notes—including Gold .....	14,160 00
Silver, Nickels, and Pennies.....	2,018 89
Bonds, Municipal.....	22,465 00
Premiums paid .....	496 06
Bills in transit.....	1,857 92
	<u>\$341,889 82</u>

## LIABILITIES.

Capital paid in.....	\$62,000 00
Undivided Profits.....	10,127 07
Due Depositors.....	249,512 75
Notes and Bills re-discounted.....	7,200 00
Bills payable.....	13,000 00
	<u>\$341,889 82</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this eighth day of October, 1884.

NELSON BRADLEY, *Cashier.*

WM. H. HAZE, *Notary Public.*

*REPORT of the condition of the Charlevoix Savings Bank at Charlevoix, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$21,395 84
Overdrafts.....	1,549 50
Furniture and Fixtures.....	153 80
Expenses.....	158 80
Due from Banks and Bankers.....	1,135 91
Legal Tender and Bank Notes.....	4,206 05
	<u>\$28,599 90</u>

## LIABILITIES.

Capital paid in.....	\$15,000 00
Undivided Profits.....	1,140 23
Due other Banks.....	188 49
Due Depositors.....	12,321 18
	<u>\$28,599 90</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this seventh day of October, 1884.

G. S. THOMAS, *Cashier.*

OSCAR UPRIGHT, *Notary Public.*



**REPORT of the condition of the Chelsea Savings Bank at Chelsea, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$120,098 23
Overdrafts .....	33 27
Furniture and Fixtures.....	2,032 93
Expenses.....	786 72
Checks on other Banks.....	42 54
Due from Banks and Bankers .....	15,814 77
Legal Tender and Bank Notes .....	6,105 00
Coin and Cash Items.....	201 98
Premium account, Savings Department.....	175 91
	<u>\$145,291 35</u>

**LIABILITIES.**

Capital paid in.....	\$50,000 00
Surplus Fund.....	5,002 00
Undivided Profits.....	838 83
Due Depositors.....	89,450 52
	<u>\$145,291 35</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

GEO. P. GLAZIER, *Cashier.*

Subscribed and sworn to before me this sixth day of October, 1884.

THEO. E. WOOD, *Notary Public.*

**REPORT of the condition of the Detroit Savings Bank at Detroit, Michigan, on Monday, the sixth day of October, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$1,698,773 59
Overdrafts .....	208 09
Real Estate.....	59,017 69
Furniture, Safes, and Fixtures.....	6,500 00
Expenses and Taxes Paid.....	8,618 00
Checks on other Banks.....	5,423 34
Due from Banks and Bankers.....	386,408 46
Legal Tender and Bank Notes, and Gold and Silver Certificates.....	124,201 00
Bonds—United States.....	\$140,200 00
City of Detroit.....	207,500 00
Wayne County .....	50,000 00
All others.....	24,300 00
	<u>422,000 00</u>
Gold Coin.....	35,035 00
Silver Coin .....	2,563 60
Fractional Paper Currency, Nickels, Canada Bills, etc.,.....	362 79
Cash Items (other than Checks for Clearing House).....	1,697 44
	<u>\$2,748,812 00</u>

**LIABILITIES.**

Capital paid in.....	\$200,000 00
Surplus Fund and Undivided Profits.....	99,487 35
Due other Banks .....	7,414 05
Due Depositors.....	2,441,910 60
	<u>\$2,748,812 00</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. C. BOWMAN, *Cashier.*

Subscribed and sworn to before me this seventh day of October, 1884.

R. E. JAMIESON,  
*Notary Public, Wayne Co., Mich.*

**REPORT of the condition of the Dime Savings Bank at Detroit, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$11,724 29
Furniture and Fixtures.....	1,775 27
Expenses.....	3,422 95
Due from Banks and Bankers.....	23,317 60
Legal Tender and Bank Notes.....	8,860 80
	<u>\$139,100 91</u>

**LIABILITIES.**

Capital paid in.....	\$40,400 00
Undivided Profits.....	1,797 67
Due Depositors.....	96,903 24
	<u>\$139,100 91</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

FREDK. WOOLFENDEN, *Cashier.*

Subscribed and sworn to before me this seventh day of October, 1884.

GEO. R. WOOLFENDEN,  
*Notary Public, Wayne Co., Mich.*

**REPORT of the condition of the Genesee County Savings Bank, at Flint, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$130,645 81
Expenses.....	1,617 19
Checks on other Banks.....	5,875 86
Due from Banks and Bankers.....	18,139 67
Legal Tender and Bank Notes.....	12,148 00
Bonds, City of Flint School.....	7,200 00
Real Estate Mortgages.....	156,722 02
Gold Coin.....	7,875 00
Silver Dollars and Fractional.....	2,077 43
	<u>\$341,798 98</u>

**LIABILITIES.**

Capital paid in.....	\$100,000 00
Surplus Fund.....	10,000 00
Undivided Profits.....	6,388 64
Due Depositors.....	215,410 34
Notes and Bills re-discounted.....	10,000 00
	<u>\$341,798 98</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

IRA H. WILDER, *Cashier.*

Subscribed and sworn to before me this sixth day of October, 1884.

ARTHUR G. BISHOP, *Notary Public.*

*REPORT of the condition of the German American Bank at Detroit, Michigan, on Monday October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.	
Loans and Discounts.....	\$332,001 44
Overdrafts .....	15,488 87
Furniture and Fixtures.....	3,500 00
Expenses.....	1,292 32
Due from Banks and Bankers .....	214,053 21
Bonds.....	68,243 60
Premiums .....	1,395 00
U. S. Treasurer .....	1,000 00
Cash .....	268,731 46
	<u>\$905,745 40</u>

LIABILITIES.	
Capital paid in.....	\$100,000 00
Profit and Loss, etc.....	4,969 26
Due Depositors .....	800,776 14
	<u>\$905,745 40</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
HENRY L. KANTER, Cashier.  
Subscribed and sworn to before me this tenth day of October, 1884.  
ANDREW MCLELLAN, Notary Public,

*REPORT of the condition of the Grand Rapids Savings Bank, at Grand Rapids, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.	
Loans and Discounts.....	\$126,834 52
Overdrafts .....	1,661 39
Real Estate .....	15,884 67
Furniture and Fixtures.....	2,357 00
Expenses.....	892 87
Checks on other Banks .....	1,065 10
Due from Banks and Bankers .....	28,999 28
Legal Tender and Bank Notes.....	12,460 00
Gold, Silver, and Nickel Coins.....	1,523 63
Stocks .....	8,890 00
Mortgages.....	62,240 30
	<u>\$331,258 26</u>

LIABILITIES.	
Capital paid in.....	\$50,000 00
Surplus Fund.....	31,269 60
Undivided Profits .....	291 25
Due Depositors.....	248,494 95
Interest .....	1,115 47
Exchange and Rent .....	86 99
	<u>\$331,258 26</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
MOREAU S. CROSBY, Vice President.  
Subscribed and sworn to before me this twentieth day of October, 1884.  
O. A. WALL, Notary Public.

**REPORT of the condition of the Hillsdale Savings Bank at Hillsdale, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$82,303 17
Overdrafts.....	99 36
Furniture and Fixtures.....	1,848 20
Expenses.....	493 01
Due from Banks and Bankers .....	9,428 03
Legal Tender and Bank Notes.....	10,552 44
	<u>\$84,724 21</u>

**LIABILITIES.**

Capital paid in.....	\$80,000 00
Undivided Profits .....	518 32
Due Depositors.....	24,205 89
	<u>\$84,724 21</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHAUNCEY F. COOK, *Cashier.*

Subscribed and sworn to before me this seventh day of October, 1884.

GEO. A. JAMES, *Notary Public.*

**REPORT of the condition of the Kalamazoo Savings Bank at Kalamazoo, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$91,875 97
Real Estate .....	10,000 00
Furniture and Fixtures.....	2,077 45
Expenses.....	1,057 77
Due from Banks and Bankers .....	21,478 07
Cash—Legal Tender and Bank Notes.....	24,208 27
	<u>\$150,697 53</u>

**LIABILITIES.**

Capital paid in.....	\$30,000 00
Undivided Profits.....	1,551 88
Due other Banks .....	9,007 58
Due Depositors .....	110,048 07
	<u>\$150,697 53</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

J. R. MONROE, *Cashier.*

Subscribed and sworn to before me this seventh day of October, 1884.

J. W. BREESE, *Notary Public.*

*REPORT of the condition of the Lenawee County Savings Bank, at Adrian, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.

Real Estate Mortgages—first lien.....	\$355,654 69
Bills Receivable—Collateral Security.....	2,443 55
Real Estate .....	672 05
Real Estate Contracts .....	4,026 92
Furniture and Fixtures.....	1,000 00
Expenses.....	3,309 23
Checks on other Banks, Gold, Silver, etc. ....	3,936 01
Due from Banks and Bankers .....	16,738 45
Legal Tender and Bank Notes .....	21,446 00
Bonds—U. S. 4 per cent.....	7,000 00
Premium on same.....	1,391 25
County, City, and Town.....	16,825 00
School District .....	6,045 67
	<hr/>
	\$440,438 82

LIABILITIES.

Capital paid in.....	\$80,000 00
Surplus Fund.....	27,500 00
Undivided Profits.....	14,970 06
Due other Banks.....	24,778 12
Due Depositors.....	313,240 64
	<hr/>
	\$440,438 82

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
HERMAN V. O. HART, Cashier.  
Subscribed and sworn to before me this seventh day of October, 1884.  
CLINTON D. HARDY, Notary Public.

*REPORT of the condition of the Mechanics' Bank at Detroit, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.

Loans and Discounts .....	\$711,961 44
Real Estate .....	2,000 00
Furniture and Fixtures.....	300 00
Expenses.....	10,027 50
Due from Banks and Bankers.....	90,361 71
Legal Tender and Bank Notes.....	29,043 63
Bonds—City, County, and School .....	36,429 32
Premium Account.....	342 45
	<hr/>
	\$880,465 05

LIABILITIES.

Capital paid in.....	\$100,000 00
Undivided Profits .....	18,942 19
Due Depositors .....	761,522 86
	<hr/>
	\$880,465 05

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
E. H. BUTLER, Cashier.  
Subscribed and sworn to before me this sixth day of October, 1884.  
HENRY A. SCHULTE,  
Notary Public, Wayne Co., Mich.



**REPORT of the condition of the Michigan Savings Bank at Detroit, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans on Real Estate .....	\$459,235 00
Loans on Collaterals and Discounts .....	226,211 19
Furniture and Fixtures .....	2,500 00
Checks on other Banks and Cash Items .....	4,136 12
Due from Banks and Bankers .....	103,525 26
Legal Tender and Bank Notes .....	49,597 57
Bonds—United States .....	10,000 00
Michigan County .....	16,178 00
Michigan City, Town, and School .....	35,732 09
Premium on Bonds .....	1,310 38
	<u>\$908,485 61</u>

**LIABILITIES.**

Capital paid in .....	\$150,000 00
Undivided Profits .....	21,637 35
Due other Banks .....	512 86
Due Depositors .....	736,335 40
	<u>\$908,485 61</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

SAMUEL R. MUMFORD, *Treasurer.*

Subscribed and sworn to before me this eighth day of October, 1884.

PETER J. SCHULTE, *Notary Public.*

**REPORT of the condition of the Michigan State Bank at Eaton Rapids, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts .....	\$49,931 75
Overdrafts .....	123 76
Real Estate Mortgages .....	15,578 43
Furniture and Fixtures .....	171 90
Current Expenses and Interest paid .....	688 12
Checks and other Cash Items .....	357 80
Due from Banks and Bankers .....	3,131 68
Legal Tender and Bank Notes .....	6,336 00
Gold Coin .....	3,772 50
Silver, Nickels, and Pennies .....	158 47
	<u>\$80,230 41</u>

**LIABILITIES.**

Capital Stock .....	\$30,000 00
Interest, Discount, and Exchange .....	1,207 83
Due other Banks .....	13 64
Certificates of Deposit .....	7,329 23
Deposits subject to Check .....	11,173 62
Re-discounts .....	2,000 00
Savings Deposits .....	8,507 09
	<u>\$80,230 41</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHARLES S. COBB, *Cashier.*

Subscribed and sworn to before me this seventh day of October, 1884.

W. F. STIRLING, *Notary Public.*

*REPORT of the condition of the Mt. Clemens Savings Bank at Mt. Clemens, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.	
Loans and Discounts.....	\$181,201 17
Overdrafts.....	348 09
Real Estate.....	10,000 00
Furniture and Fixtures.....	2,500 00
Expenses.....	551 86
Due from Banks and Bankers.....	10,172 82
Legal Tender and Bank Notes and Specie.....	15,715 02
	<hr/>
	\$220,488 46
	<hr/>

LIABILITIES.	
Capital paid in.....	\$50,000 00
Surplus Fund.....	10,000 00
Undivided Profits.....	10,188 41
Due other Banks.....	1,544 67
Due Depositors.....	148,705 88
Dividend Unpaid.....	50 00
	<hr/>
	\$220,488 46
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
GEO. A. SKINNER, *Cashier.*  
Subscribed and sworn to before me this eighteenth day of October, 1884.  
TRAUGOTT LUNGERSHAUSEN, *Notary Public.*

*REPORT of the condition of the Oxford Savings Bank at Oxford, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67, of the General Banking Law as amended in 1871.*

RESOURCES.	
Loans and Discounts.....	\$38,946 05
Furniture and Fixtures.....	1,550 00
Expenses.....	65 84
Checks on other Banks.....	1,426 09
Due from Banks and Bankers.....	4,428 42
Legal Tender and Bank Notes.....	2,879 00
Specie.....	743 58
	<hr/>
	\$50,038 99
	<hr/>

LIABILITIES.	
Capital paid in.....	\$25,000 00
Undivided Profits.....	1,252 04
Due other Banks.....	1,800 00
Due Depositors.....	21,486 95
Notes and Bills re-discounted.....	1,000 00
	<hr/>
	\$50,038 99
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
G. S. HOLBERT, *Cashier.*  
Subscribed and sworn to before me this ninth day of October, 1884.  
C. E. STANTON,  
*Notary Public in and for said County.*

*REPORT of the condition of The People's Savings Bank, at Detroit, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans secured by Real Estate and other approved Collaterals and Discounts.....	\$2,979,779 98
Overdrafts .....	1,709 24
Real Estate .....	75,040 63
Furniture and Fixtures .....	3,000 00
Expenses.....	24,733 25
Checks on other Banks .....	40,196 18
Due from Banks and Bankers.....	521,580 51
Legal Tender and Bank Notes .....	78,504 00
Bonds—Michigan, County, School, and Municipal.....	166,927 83
Gold, Silver, etc. ....	4,104 94
	<u>\$3,895,576 56</u>

## LIABILITIES.

Capital paid in.....	\$500,000 00
Surplus Fund.....	50,000 00
Undivided Profits, Dividends Unpaid.....	1,150 00
Due other Banks.....	137,500 21
Due Depositors.....	3,187,847 17
Interest and Exchange Accounts .....	69,079 18
	<u>\$3,895,576 56</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
M. W. O'BRIEN, *Cashier.*

Subscribed and sworn to before me this seventh day of October, 1884.

J. A. SCHULTE, *Notary Public.*

*REPORT of the condition of the Port Huron Savings Bank, at Port Huron, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$362,826 83
Furniture and Fixtures .....	2,000 00
Expenses .....	5,387 59
Checks on other Banks .....	23,094 91
Due from Banks and Bankers.....	28,439 58
Legal Tender and Bank Notes .....	2,802 00
Silver .....	388 00
	<u>\$424,938 91</u>

## LIABILITIES.

Capital paid in.....	\$100,000 00
Surplus Fund.....	12,633 00
Undivided Profits.....	15,204 70
Due other Banks .....	915 06
Due Depositors.....	273,620 63
Real Estate .....	9,019 52
Dividends Unpaid .....	10 00
Interest, Collection, and Exchange .....	13,535 97
	<u>\$424,938 91</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
CHAS. F. HARRINGTON, *Cashier.*

Subscribed and sworn to before me this sixth day of October, 1884.

O. D. THOMPSON, *Notary Public.*

*REPORT of the condition of the Savings Bank of East Saginaw, at East Saginaw, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.	
Loans and Discounts.....	\$342,217 83
Furniture and Fixtures.....	1,000 00
Expenses .....	2,189 45
Bonds .....	40,285 00
Premiums Paid .....	1,476 71
Cash on hand, deposited in Banks subject to Draft .....	131,381 71
	<u>\$518,550 80</u>

LIABILITIES.	
Capital paid in.....	\$50,000 00
Surplus Fund.....	10,000 00
Undivided Profits .....	10,756 10
Due Depositors.....	447,794 70
	<u>\$518,550 80</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
A. SCHUPP, Treasurer.  
Subscribed and sworn to before me this sixth day of October, 1884.  
WILLIAM T. OTIS, Notary Public.

*REPORT of the condition of the State Savings Bank at Detroit, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.	
Loans and Discounts.....	\$368,401 38
Furniture and Fixtures.....	2,500 00
Checks on other Banks.....	306 86
Due from Banks and Bankers.....	77,269 54
Legal Tender and Bank Notes and Coin.....	6,648 74
	<u>\$455,126 52</u>

LIABILITIES.	
Capital paid in.....	\$150,000 00
Undivided Profits.....	8,077 58
Due other Banks .....	19,183 10
Due Depositors.....	277,865 84
	<u>\$455,126 52</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
T. S. ANDERSON, Vice President.  
Subscribed and sworn to before me this seventh day of October, 1884.  
ROSS BROWN,  
Notary Public, Wayne Co., Mich.

*REPORT of the condition of the Union Bank at Jackson, Michigan, on Monday, October 6. A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

**RESOURCES.**

Loans and Discounts .....	\$108,685 30
Overdrafts .....	810 71
Real Estate .....	25,000 00
Furniture and Fixtures .....	2,125 89
Expenses .....	5,860 46
Checks on other Banks .....	2,428 39
Due from Banks and Bankers .....	34,657 35
Legal Tender and Bank Notes .....	21,408 90
Mortgages .....	66,415 00
Bonds—School District No. 17 .....	4,500 00
	<u>\$271,390 00</u>

**LIABILITIES.**

Capital paid in .....	\$100,000 00
Undivided Profits .....	5,540 93
Due Depositors .....	165,820 07
	<u>\$271,390 00</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. M. ALDRICH, *Cashier.*

Subscribed and sworn to before me this seventh day of October, 1884.

A. M. WALKER, *Notary Public.*

*REPORT of the condition of the Wayne County Savings Bank at Detroit, Michigan, on Monday, October 6, 1884, made in accordance with Sections 18, 19, and 67 of the General Banking law as amended in 1871.*

**RESOURCES.**

Cash on Hand and Call Deposit .....	\$678,736 31
Loans on Real Estate, Collaterals, and Bonds .....	2,796,956 84
Banking House and Lot .....	110,000 00
Furniture Account .....	4,225 12
Expense Account .....	5,897 12
Collections in Transit .....	540 00
	<u>\$3,594,355 39</u>

**LIABILITIES.**

Capital paid in .....	\$150,000 00
Due Depositors .....	3,243,503 08
Interest, Premium, Foreign Exchange, and Rent .....	200,852 36
	<u>\$3,594,355 39</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

S. D. ELWOOD, *Cashier.*

Subscribed and sworn to before me this sixth day of October, 1884.

C. F. COLLINS, *Notary Public.*



*REPORT of the condition of the West Michigan Savings Bank at Bangor, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$46,611 18
Furniture and Fixtures.....	114 50
Expenses.....	667 06
Checks on other Banks and Specie.....	717 30
Due from Banks and Bankers.....	4,125 75
Legal Tender and Bank Notes.....	5,500 00
	<hr/>
	\$57,736 39
	<hr/>

## LIABILITIES.

Capital paid in.....	\$25,000 00
Surplus Fund.....	1,250 00
Undivided Profits.....	2,268 10
Due other Banks.....	19 10
Due Depositors.....	29,199 19
	<hr/>
	\$57,736 39
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

A. B. CHASE, Cashier.

Subscribed and sworn to before me this twenty-first day of October, 1884.

GEO. CHAPMAN, Notary Public.

*REPORT of the condition of the Wyandotte Savings Bank, at Wyandotte, Michigan, on Monday, October 6, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$156,122 72
Furniture and Fixtures.....	1,556 60
Expenses.....	584 50
Due from Banks and Bankers.....	3,063 64
Legal Tender and Bank Notes.....	4,071 84
	<hr/>
	\$165,419 30
	<hr/>

## LIABILITIES.

Capital paid in.....	\$50,000 00
Undivided Profits.....	3,113 77
Due Depositors.....	111,705 53
Dividends Unpaid.....	600 00
	<hr/>
	\$165,419 30
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

W. VAN MILLER, Cashier.

Subscribed and sworn to before me this ninth day of October, 1884.

GEORGE W. COOMER, Notary Public.

**REPORT of the condition of the Bay City Bank at Bay City, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$590,779 83
Overdrafts .....	1,486 25
Real Estate.....	6,824 64
Furniture and Fixtures .....	3,500 00
Checks and other Cash Items.....	1,815 83
Exchanges for Clearing House.....	7,786 75
Due from Banks and Bankers.....	72,836 23
Legal Tender and Bank Notes.....	38,020 84
	<u>\$663,050 37</u>

**LIABILITIES.**

Capital paid in.....	\$100,000 00
Surplus Fund.....	35,000 00
Profit and Loss.....	2,484 41
Due other Banks .....	9,244 08
Due Depositors.....	482,801 07
Notes and Bills Re-discounted.....	33,060 81
Dividends Unpaid.....	460 00
	<u>\$663,050 37</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

GEO. H. YOUNG, *Cashier.*

Subscribed and sworn to before me this eighth day of July, 1884.

WM. O. LEWIS, *Notary Public.*

**REPORT of the condition of the City Bank at Battle Creek, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$332,065 13
Overdrafts .....	4,634 87
Furniture and Fixtures.....	2,800 00
Checks and other Cash Items.....	78 55
Due from Banks and Bankers.....	36,918 90
Legal Tender and Bank Notes.....	24,645 43
	<u>\$401,142 88</u>

**LIABILITIES.**

Capital paid in.....	\$50,000 00
Surplus Fund.....	50,851 00
Profit and Loss.....	9,188 32
Due Depositors.....	291,603 56
	<u>\$401,142 88</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHAS. T. ALLEN, *Cashier.*

Subscribed and sworn to before me this seventh day of July, 1884.

FREDERICK A. ALLWARDT, *Notary Public.*

*REPORT of the condition of the Commercial Bank at Port Huron, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.	
Loans and Discounts.....	\$150,205 63
Overdrafts.....	321 61
Furniture and Fixtures.....	1,648 72
Expenses.....	1,730 80
Checks and other Cash Items.....	7,682 78
Due from Banks and Bankers.....	20,922 27
Legal Tender and Bank Notes.....	14,882 00
Gold and Silver.....	740 48
	<hr/>
	\$198,134 29
	<hr/>

LIABILITIES.	
Capital paid in.....	\$50,000 00
Profit and Loss.....	8,397 49
Due Depositors.....	139,736 80
	<hr/>
	\$198,134 29
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
JOHN W. PORTER, *Cashier.*  
Subscribed and sworn to before me this seventh day of July, 1884.  
CHAS. N. RUNNELS, *Notary Public.*

*REPORT of the condition of the Farmers and Mechanics' Bank at Ann Arbor, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.	
Loans and Discounts.....	\$133,243 78
Overdrafts.....	68 89
Furniture and Fixtures.....	3,497 00
Checks and other Cash Items.....	1,173 07
Due from Banks and Bankers.....	15,980 68
Legal Tender and Bank Notes.....	2,666 09
Gold.....	8,449 80
Silver, Nickels, etc.....	1,221 09
Bonds—United States.....	3,800 00
School.....	997 31
Premium on U. S. Bonds.....	592 25
	<hr/>
	\$178,663 57
	<hr/>

LIABILITIES.	
Capital paid in.....	\$50,000 00
Surplus Fund.....	1,303 77
Profit and Loss.....	43 05
Due Depositors.....	125,561 75
Dividends Unpaid.....	1,760 00
	<hr/>
	\$178,663 57
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
WILLIAM A. TOLOHARD, *Cashier.*  
Subscribed and sworn to before me this seventh day of July, 1884.  
WM. W. WHEDON, *Notary Public.*

**REPORT of the condition of the Farmers' Bank at Brooklyn, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$45,870 65
Overdrafts.....	349 68
Real Estate.....	4,000 00
Furniture and Fixtures.....	1,500 00
Checks and other Cash Items.....	9,140 18
	<u>\$60,860 46</u>

**LIABILITIES.**

Capital paid in.....	\$50,000 00
Due Depositors.....	10,860 46
	<u>\$60,860 46</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

W. A. STACEY, Cashier.

Subscribed and sworn to before me this twenty-third day of September, 1884.

HIEL WOODWARD, Notary Public.

**REPORT of the condition of the Farmers' Bank at Grass Lake, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$94,557 87
Overdrafts.....	592 36
Real Estate, Furniture, and Fixtures.....	3,500 00
Due from Banks and Bankers.....	10,775 65
Legal Tender and Bank Notes, Checks, and other Cash Items.....	5,934 38
	<u>\$115,360 26</u>

**LIABILITIES.**

Capital paid in.....	\$50,000 00
Surplus Fund.....	1,500 00
Profit and Loss.....	228 25
Due Depositors.....	63,632 01
	<u>\$115,360 26</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

WESLEY BURCHARD, Cashier.

Subscribed and sworn to before me this eighth day of July, 1884.

CHAS. M. SPINNING, Notary Public.

*REPORT of the condition of the Jackson City Bank at Jackson, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.	
Loans and Discounts.....	\$570,972 18
Overdrafts.....	2,488 21
Real Estate.....	18,000 00
Banking House, Safe, Furniture, and Fixtures.....	10,000 00
Checks and Eastern Exchange.....	3,505 66
Due from Banks and Bankers.....	37,985 14
Legal Tender, Bank Notes, and Gold and Silver Certificates.....	44,236 00
Coin.....	24,999 08
	<u>\$712,186 27</u>

LIABILITIES.	
Capital paid in.....	\$100,000 00
Surplus Fund.....	100,000 00
Reserve Fund.....	50,000 00
Profit and Loss.....	46,846 53
Due Depositors.....	415,339 74
	<u>\$712,186 27</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
B. NEWKIRK, Cashier.  
Subscribed and sworn to before me this eighth day of July, 1884.  
GILBERT R. BYRNE, Notary Public.

*REPORT of the condition of the Lumberman's State Bank, at West Bay City, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.	
Loans and Discounts.....	\$181,522 48
Overdrafts.....	658 80
Furniture and Fixtures.....	3,310 35
Expenses.....	36 35
Checks and other Cash Items.....	11,117 23
Due from Banks and Bankers.....	23,266 58
Legal Tender and Bank Notes.....	20,980 58
Profit and Loss.....	409 67
	<u>\$241,297 04</u>

LIABILITIES.	
Capital paid in.....	\$40,000 00
Surplus Fund.....	15,000 00
Due Depositors.....	163,977 04
Notes and Bills Re-discounted.....	20,356 00
Dividends Unpaid.....	1,964 00
	<u>\$241,297 04</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
H. H. NORRINGTON, Cashier.  
Subscribed and sworn to before me this seventh day of July, 1884.  
T. W. HASTINGS,  
Notary Public, Bay Co., Mich.



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*REPORT of the condition of the Market Bank, at Detroit, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$117,689 82
Overdrafts .....	264 10
Furniture and Fixtures.....	3,207 14
Expenses and Taxes Paid.....	4,200 31
Checks and other Cash Items.....	604 72
Due from Banks and Bankers.....	2,419 43
Legal Tender and Bank Notes.....	25,766 00
Specie .....	9,450 31
	<u>\$163,610 83</u>

## LIABILITIES.

Capital paid in.....	\$100,000 00
Profit and Loss.....	3,382 47
Due Depositors.....	58,599 43
Notes and Bills Re-discounted.....	1,628 93
	<u>\$163,610 83</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
JOHN B. PADBERG, *Cashier.*

Subscribed and sworn to before me this eighth day of July, 1884.

EDWARD A. GOTT, *Notary Public.*

*REPORT of the condition of the Merchants and Miners' Bank at Calumet, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$196,406 78
Overdrafts .....	83 56
Real Estate .....	4,100 00
Furniture and Fixtures.....	600 00
Checks and other Cash Items.....	102 68
Due from Banks and Bankers.....	141,063 81
Legal Tender and Bank Notes.....	60,839 00
Due from U. S. Treasurer.....	1,000 00
Bonds—United States.....	25,000 00
Premium Account.....	1,425 00
Specie—Gold.....	17,500 00
Specie—Silver, including Nickels and Pennies .....	2,628 54
	<u>\$450,719 37</u>

## LIABILITIES.

Capital paid in.....	\$50,000 00
Surplus Fund.....	10,000 00
Profit and Loss.....	10,212 21
Due Depositors.....	377,358 66
Dividend for July, 1884.....	8,000 00
Dividend Unpaid.....	78 00
Foreign Exchange Account.....	70 50
	<u>\$450,719 87</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
HENRY S. COLTON, *Cashier.*

Subscribed and sworn to before me this eighth day of July, 1884.

STEPHEN PAULL, *Notary Public.*

*REPORT of the condition of the People's Bank, at Manchester, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.

Loans and Discounts.....	\$95,028 65
Overdrafts .....	347 53
Real Estate .....	12,500 00
Furniture and Fixtures .....	1,444 71
Checks and other Cash Items.....	425 00
Due from Banks and Bankers.....	3,071 93
Legal Tender and Bank Notes and Coin.....	6,684 50
Silver and Pennies.....	272 71
	<hr/>
	\$119,775 03
	<hr/>

LIABILITIES.

Capital paid in.....	\$50,000 00
Surplus Fund.....	4,438 53
Due Depositors.....	38,514 90
Bills Payable.....	28,821 60
	<hr/>
	\$119,775 03
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
B. S. WATKINS, *Cashier.*  
Subscribed and sworn to before me this eighth day of July, 1884.  
A. F. FREEMAN, *Notary Public.*

*REPORT of the condition of the State Bank, at Fenton, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

RESOURCES.

Loans and Discounts.....	\$48,578 04
Overdrafts .....	295 86
Furniture and Fixtures.....	2,264 92
Checks and other Cash Items .....	151 41
Due from Banks and Bankers .....	28,500 63
Legal Tender and Bank Notes.....	13,117 00
Specie .....	10,011 25
	<hr/>
	\$102,719 11
	<hr/>

LIABILITIES.

Capital paid in.....	\$50,000 00
Profit and Loss .....	466 92
Due Depositors.....	52,252 19
	<hr/>
	\$102,719 11
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
J. BUCKBEE, *President.*  
Subscribed and sworn to before me this eighth day of July, 1884.  
WALTER W. MILLARD, *Notary Public.*

**REPORT of the condition of the State Bank at Midland City, Michigan on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$60,668 29
Overdrafts.....	583 33
Real Estate.....	3,000 00
Furniture and Fixtures.....	1,799 35
Checks and other Cash Items.....	2,900 84
Due from Banks and Bankers.....	10,650 08
Legal Tender and Bank Notes.....	5,032 00
	<u>\$84,633 89</u>

**LIABILITIES.**

Capital paid in.....	\$48,000 00
Surplus Fund.....	730 00
Profit and Loss.....	604 08
Due Depositors.....	32,488 29
Notes and Bills Re-discounted.....	891 52
Dividends Unpaid.....	1,920 00
	<u>\$84,633 89</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
WM. D. MARSH, Cashier.

Subscribed and sworn to before me this eighth day of July, 1884.

JOHN W. STANFORD, Notary Pub'ic.

**REPORT of the condition of the Union Banking Co. Bank, at St. Joseph, Michigan, on Monday, July 7, A. D. 1884, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.**

**RESOURCES.**

Loans and Discounts.....	\$74,781 03
Overdrafts.....	85 05
Furniture and Fixtures.....	3,002 41
Expenses.....	1,884 15
Due from Banks and Bankers.....	24,396 97
Legal Tender and Bank Notes.....	16,760 84
Bonds—U. S. and Chicago City.....	19,500 00
Premium on same.....	1,761 78
	<u>\$142,152 23</u>

**LIABILITIES.**

Capital paid in.....	\$50,000 00
Profit and Loss.....	2,843 97
Due Depositors.....	89,208 26
	<u>\$142,152 23</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.  
ORVILLE O. JORDAN, Cashier.

Subscribed and sworn to before me this tenth day of July, 1884.

JOHN A. WATSON,  
Notary Public in and for Berrien Co., Mich.



INDEX  
TO THE  
GENERAL LAWS  
OF THE  
STATE OF MICHIGAN,  
ENACTED BY THE LEGISLATURE DURING THE YEARS  
1882, 1883, AND 1885,  
AND TO SECTIONS AND CHAPTERS OF  
HOWELL'S ANNOTATED STATUTES,  
AMENDED OR REPEALED.

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Prepared and published under the supervision of the Secretary of State, in compliance with  
Act No. 87, Laws of 1885.

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BY AUTHORITY.

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LANSING, MICH.:  
W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.  
1885.





# INDEX TO GENERAL LAWS.

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\* NOTE.—Chapters 122 and 124 of Howell's Statutes, repealed, so far as they relate to manufacturing companies authorized by act No. 232 of 1885. See Sec. 36, page 353, Session Laws of 1885.

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† See Section 9842a and 9842b, Howell's.

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\*NOTE.—Acts relating to management of asylums for the insane being sections 1878 to 1990 inclusive, 1944 and 1945, also 1952 to 1961, inclusive, of Howell's Statutes, repealed, see section 49 of act 135 of 1885, page 152.

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